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THE

HISTORY OF ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

THE REVOLUTION IN 1688.

BY

DAVID HUME, ESQ.

A NEW EDITION,

WITH THE AUTHOR'S LAST CORRECTIONS AND IMPROVEMENTS.

TO WHICH IS PREFIXED,

A SHORT ACCOUNT OF HIS LIFE, WRITTEN BY HIMSELF.

IN SIX VOLUMES.

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CHAPTER LXV.

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SINCE the restoration, England had attained a situation which had never been experienced in any former period of her government, and which seemed the only one that could fully ensure, at once, her tranquillity and her liberty: the king was in continual want of supply from the Parliament; and he seemed willing to accommodate himself to that dependent situation. Instead of reviving those claims of prerogative, so strenuously insisted on by his predecessors, Charles had strictly confined himself within the limits of law, and had courted, by every art of popularity, the affections of his subjects. Even the severities, however blameable, which he had exercised against nonconformists, are to be considered as expedients by which he strove to ingratiate himself with that party which predominated in Parliament. But notwithstanding these promising appearances, there were many circumstances which kept the government from resting steadily on that bottom on which it was placed. The

CHAP. LXV. 1668.

crown having lost almost all its ancient demesnes, relied entirely on voluntary grants of the people; and the Commons, not fully accustomed to this new situation, were not yet disposed to supply with sufficient liberality the necessities of the crown. They imitated too strictly the example of their predecessors in a rigid frugality of public money; and neither sufficiently considered the indigent condition of their prince, nor the general state of Europe; where every nation, by its increase both of magnificence and force, had made great additions to all public expenses. Some considerable sums, indeed, were bestowed on Charles; and the patriots of that age, tenacious of ancient maxims, loudly upbraided the Commons with prodigality: but if we may judge by the example of a later period, when the government had become more regular, and the harmony of its parts had been more happily adjusted, the Parliaments of this reign seem rather to have merited a contrary reproach.

The natural consequence of the poverty of the crown was, besides feeble irregular transactions in foreign affairs, a continual uncertainty in its domestic administration. No one could answer with any tolerable assurance for the measures of the House of Commons. Few of the members were attached to the court by any other band than that of inclination. Royalists, indeed, in their principles, but inexperienced in business, they lay exposed to every rumour or insinuation; and were driven by momentary gusts or currents no less than the populace themselves. Even the attempts made to gain an ascendant over them by offices, and, as it is believed, by bribes and pensions, were apt to operate in a manner contrary to what was intended by the ministers. The novelty of the practice conveyed a general, and indeed a just, alarm; while, at the same time, the poverty of the crown rendered this influence very limited and precarious.

The character of Charles was ill-fitted to remedy those defects in the constitution. He acted in the administration of public affairs as if government were a pastime rather than a serious occupation; and by the uncertainty of his conduct, he lost that authority which could alone bestow constancy on the fluctuating resolutions of the Parliament. His expenses, too, which sometimes, perhaps, exceeded the proper bounds, were directed more by inclination than by policy; and while they increased his dependence on the Parliament, they were not calculated fully to satisfy either the interested or disinterested part of that assembly.

8th Feb. A Parliament.

The Parliament met, after a long adjournment; and the king promised himself every thing from the attachment of the Commons. All his late measures had been calculated to acquire the good-will of his people; and above all, the triple league, it was hoped, would be able to efface all the disagreeable impressions left by the unhappy conclusion of the Dutch war. But a new attempt made by the court, and a laudable one too, lost him, for a time, the effect of all these endeavours. Buckingham, who was in great favour with the king, and carried on many intrigues among the Commons, had also endeavoured to support connexions with the nonconformists; and he now formed a scheme, in concert with the lord-keeper, Sir Orlando Bridgeman, and the chief justice, Sir Matthew Hale, two worthy patriots, to put an end to those severities under which these religionists had so long laboured. It was proposed to reconcile the presbyterians by a comprehension, and to grant a toleration to the independents and other sectaries. Favour seems not, by this scheme, as by others embraced during the present reign, to have been intended the Catholics; yet were the zealous Commons so disgusted, that they could not be prevailed on even to give the king thanks for the triple league, however laudable that measure was then, and has ever since been, esteemed. They immediately voted an address for a proclamation against conventicles. Their request was complied with; but as the king still dropped some hints of his desire to reconcile his Protestant subjects, the Commons passed a very unusual vote, that no man should bring into the House any bill of that nature. The king in vain reiterated his solicitations for supply; represented the necessity of equipping a fleet; and even offered, that the money which they should grant should be collected and issued for that purpose by commissioners appointed by the House. Instead of complying, the Commons voted an inquiry into all the miscarriages during the late war; the slackening of sail after the duke's victory from false orders delivered by Brounker, the miscarriage at Bergen, the division of the fleet under Prince Rupert and Albemarle, the disgrace at Chatham. Brounker was expelled the House, and ordered to be impeached. Commissioner Pet, who had neglected orders issued for the security of Chatham, met with the same fate. These impeachments were never prosecuted. The House at length, having been indulged in all their prejudices, were prevailed with to vote the king three hundred and ten thousand pounds, by an imposition on wine and other liquors; after which they were adjourned.

Public business, besides being retarded by the disgust of the Commons against the tolerating maxims of the court, met with obstructions this session from a quarrel between the two Houses. 11th May. Skinner, a rich merchant in London, having suffered some injuries from the East India Company, laid the matter by petition before the House of Lords, by whom he was relieved in costs and damages to the amount of five thousand pounds. The Commons voted, that the Lords, in taking cognizance of this affair, originally, without any appeal from inferior courts, had acted in a manner not agreeable to the laws of the land, and tending to deprive the subject of the right, ease, and benefit due to him by these laws; and that Skinner, in prosecuting the suit after this manner, had infringed the privileges of the Commons: for which offence they ordered him to be taken into custody. Some conferences ensued between the Houses; where the Lords were tenacious of their right of judicature, and maintained that the method in which they had exercised it was quite regular. The Commons rose into a great ferment, and went so far as to vote, that "whoever should be aiding or assisting in putting in execution the order or sentence of the House of Lords, in the case of Skinner against the East India Company, should be deemed a betrayer of the rights and liberties of the Commons of England, and an infringer of the privileges of the House of Commons." They rightly judged, that it would not be easy, after this vote, to find any one who would venture to incur their indignation. The proceedings indeed of the Lords seem in this case to have been unusual, and without precedent.

The king's necessities obliged him again to assemble the Parliament, who showed some disposition to relieve him. The price, however, which he must pay for this indulgence, was his yielding to new laws against conventicles. His complaisance in this particular contributed more to gain the Commons, than all the pompous pretences of supporting the triple alliance, that popular measure by which he expected to make such advantage. The quarrel between the two Houses was revived; and as the Commons had voted only four hundred thousand pounds, with which the king was not satisfied, he thought proper, before they had carried their vote into a law, to prorogue them. The only business finished this short session was the receiving of the report of the committee appointed for examining the public accounts. On the first inspection of this report, there appears a great sum, no less than a million and a half, unaccounted for; and the natural inference is, that the king had much abused the trust reposed in him by Parliament. But a more accurate inspection of particulars serves, in a great measure, to remove this imputation. The king, indeed, went so far as to tell the Parliament from the throne, "That he had fully informed himself of that matter, and did affirm, that no part of those moneys which they had given him had been diverted to other uses, but, on the contrary, besides all those supplies, a very great sum had been raised out of his standing revenue and credit, and a very great debt contracted; and all for the war." Though artificial pretences have often been employed by kings in their speeches to Parliament, and by none more than Charles, it is somewhat difficult to suspect him of a direct lie and falsehood. He must have had some reasons, and perhaps not unplausible ones, for this affirmation, of which all his hearers, as they had the accounts lying before them, were at that time competent judges[a].

1669. 9th Oct.

14th Dec.

The method which all Parliaments had hitherto followed was, to vote a particular sum for the supply, without any distinction, or any appropriation to particular services. So long as the demands of the crown were small and casual, no great inconveniences arose from this practice. But as all the measures of government were now

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[a] See note [A] at the end of the volume.

1669. changed, it must be confessed, that, if the king made a just application of public money, this inaccurate method of proceeding, by exposing him to suspicion, was prejudicial to him. If he were inclined to act otherwise, it was equally hurtful to the people. For these reasons, a contrary practice, during all the late reigns, has constantly been followed by the Commons.

1670. 14th Feb. When the Parliament met after the prorogation, they entered anew upon the business of supply, and granted the king an additional duty, during eight years, of twelve pounds on each tun of Spanish wine imported, eight on each tun of French. A law also passed, empowering him to sell the fee-farm rents; the last remains of the demesnes by which the ancient kings of England had been supported. By this expedient, he obtained some supply for his present necessities, but left the crown, if possible, still more dependent than before. How much money might be raised, by these sales, is uncertain; but it could not be near one million eight hundred thousand pounds, the sum assigned by some writers[b].

The act against conventicles passed, and received the royal assent. It bears the appearance of mitigating the former persecuting laws; but, if we may judge by the spirit which had broken out almost every session during this Parliament, it was not intended as any favour to the nonconformists. Experience probably had taught, that laws over rigid and severe could not be executed. By this act, a hearer in a conventicle (that is, in a dissenting assembly, where more than five were present, besides the family) was fined five shillings for the first offence; ten for the second; the preacher twenty pounds for the first offence, forty for the second. The person, in whose house the conventicle met, was amerced a like sum with the preacher. One clause is remarkable; that, if any dispute should arise with regard to the interpretation of any part of the act, the judges should always explain the doubt in the sense least favourable to conventicles, it being the intention of Parliament entirely to suppress them. Such was the zeal of the Commons, that they violated the plainest and most established maxims of civil policy, which require that, in all criminal prosecutions, favour should always be given to the prisoner.

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[b] Mr. Carte, in his Vindication of the Answer to the Bystander, p. 99, says, that the sale of the fee-farm rents would not yield above one hundred thousand pounds, and his reasons appear well founded.

The affair of Skinner still remained a ground of quarrel between the two Houses; but the king prevailed with the Peers to accept of the expedient proposed by the Commons, that a general razure should be made of all the transactions with regard to that disputed question.

Some attempts were made by the king to effect a union between England and Scotland; though they were too feeble to remove all the difficulties which obstructed that useful and important undertaking. Commissioners were appointed to meet, in order to regulate the conditions; but the design, chiefly by the intrigues of Lauderdale, soon after came to nothing.

The king, about this time, began frequently to attend the debates of the House of Peers. He said, that they amused him, and that he found them no less entertaining than a play. But deeper designs were suspected. As he seemed to interest himself extremely in the case of Lord Roos, who had obtained a divorce from his wife on the accusation of adultery, and applied to Parliament for leave to marry again; people imagined that Charles intended to make a precedent of the case, and that some other pretence would be found for getting rid of the queen. Many proposals to this purpose, it is said, were made him by Buckingham; but the king, how little scrupulous soever in some respects, was incapable of any action harsh or barbarous; and he always rejected every scheme of this nature. A suspicion, however, of such intentions, it was observed, had, at this time, begotten a coldness between the two royal brothers.

We now come to a period when the king's counsels, which had hitherto, in the main, been good, though negligent and fluctuating, became, during some time, remarkably bad, or even criminal; and breeding incurable jealousies in all men, were followed by such consequences as had almost terminated in the ruin both of prince and people. Happily, the same negligence still attended him; and, as it had lessened the influence of the good,

1670.

it also diminished the effect of the bad, measures which he embraced.

It was remarked, that the committee of council, established for foreign affairs, was entirely changed; and that Prince Rupert, the Duke of Ormond, Secretary Trevor, and Lord-keeper Bridgeman, men in whose honour the nation had great confidence, were never called to any deliberations. The whole secret was entrusted to five persons, Clifford, Ashley, Buckingham, Arlington, and Lauderdale. These men were known by the appellation of the Cabal, a word which the initial letters of their names happened to compose. Never was there a more dangerous ministry in England, nor one more noted for pernicious counsels.

The Cabal.

Their characters.

Lord Ashley, soon after known by the name of Earl of Shaftesbury, was one of the most remarkable characters of the age, and the chief spring of all the succeeding movements. During his early youth, he had engaged in the late king's party; but being disgusted with some measures of Prince Maurice, he soon deserted to the Parliament. He insinuated himself into the confidence of Cromwell; and, as he had great influence with the presbyterians, he was serviceable in supporting, with his party, the authority of that usurper. He employed the same credit in promoting the restoration, and on that account both deserved and acquired favour with the king. In all his changes, he still maintained the character of never betraying those friends whom he deserted; and whichever party he joined, his great capacity and singular talents soon gained him their confidence, and enabled him to take the lead among them. No station could satisfy his ambition, no fatigues were insuperable to his industry. Well acquainted with the blind attachment of faction, he surmounted all sense of shame: and relying on the subtilty of his contrivances, he was not startled with enterprises the most hazardous and most criminal. His talents, both of public speaking and private insinuation, shone out in an eminent degree; and amidst all his furious passions, he possessed a sound judgment of business, and still more of men. Though fitted by nature for beginning and pushing the greatest undertakings, he was never able to conduct any to a happy period; and his eminent abilities, by reason of his insatiable desires, were equally dangerous to himself, to the prince, and to the people.

The Duke of Buckingham possessed all the advantages which a graceful person, a high rank, a splendid fortune, and a lively wit could bestow; but by his wild conduct, unrestrained either by prudence or principle, he found means to render himself in the end odious and even insignificant. The least interest could make him abandon his honour; the smallest pleasure could seduce him from his interest; the most frivolous caprice was sufficient to counterbalance his pleasure. By his want of secrecy and constancy, he destroyed his character in public life; by his contempt of order and economy, he dissipated his private fortune; by riot and debauchery, he ruined his health; and he remained at last as incapable of doing hurt, as he had ever been little desirous of doing good, to mankind.

The Earl, soon after created Duke, of Lauderdale, was not defective in natural, and still less in acquired talents; but neither was his address graceful nor his understanding just. His principles, or more properly speaking his prejudices, were obstinate, but unable to restrain his ambition: his ambition was still less dangerous than the tyranny and violence of his temper. An implacable enemy, but a lukewarm friend; insolent to his inferiors, but abject to his superiors; though in his whole character and deportment he was almost diametrically opposite to the king, he had the fortune, beyond any other minister, to maintain, during the greater part of his reign, an ascendant over him.

The talents of parliamentary eloquence and intrigue had raised Sir Thomas Clifford; and his daring impetuous spirit gave him weight in the king's councils. Of the whole cabal, Arlington was the least dangerous, either by his vices or his talents. His judgment was sound, though his capacity was but moderate; and his intentions were good, though he wanted courage and integrity to persevere in them. Together with Temple and Bridgeman, he had been a great promoter of the triple league; but he threw himself, with equal alacrity, into opposite

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measures, when he found them agreeable to his master. Clifford and he were secretly Catholics: Shaftesbury, though addicted to astrology, was reckoned a deist: Buckingham had too little reflection to embrace any steady principles: Lauderdale had long been a bigoted and furious presbyterian; and the opinions of that sect still kept possession of his mind, how little soever they appeared in his conduct.

Their counsels.

The dark counsels of the cabal, though from the first they gave anxiety to all men of reflection, were not thoroughly known but by the event. Such seem to have been the views which they, in concurrence with some Catholic courtiers, who had the ear of their sovereign, suggested to the king and the duke, and which these princes too greedily embraced. They said, that the Parliament, though the spirit of party, for the present, attached them to the crown, were still more attached to those powers and privileges which their predecessors had usurped from the sovereign: that after the first flow of kindness was spent, they had discovered evident symptoms of discontent; and would be sure to turn against the king all the authority which they yet retained, and still more those pretensions which it was easy for them in a moment to revive: that they not only kept the king in dependence by means of his precarious revenue, but had never discovered a suitable generosity, even in those temporary supplies which they granted him: that it was high time for the prince to rouse himself from his lethargy, and to recover that authority which his predecessors, during so many ages, had peaceably enjoyed: that the great error or misfortune of his father was the not having formed any close connexion with foreign princes, who, on the breaking out of the rebellion, might have found their interest in supporting him: that the present alliances, being entered into with so many weaker potentates, who themselves stood in need of the king's protection, could never serve to maintain, much less augment, the royal authority: that the French monarch alone, so generous a prince, and by blood so nearly allied to the king, would be found both able and willing, if gratified in his ambition, to defend the common cause of kings against usurping subjects: that a war, undertaken

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against Holland by the united force of two such mighty potentates, would prove an easy enterprise, and would serve all the purposes which were aimed at: that, under pretence of that war, it would not be difficult to levy a military force, without which, during the prevalence of republican principles among his subjects, the king would vainly expect to defend his prerogative: that his naval power might be maintained, partly by the supplies which, on other pretences, would previously be obtained from Parliament; partly by subsidies from France; partly by captures, which might easily be made on that opulent republic: that, in such a situation, attempts to recover the lost authority of the crown would be attended with success; nor would any malecontents dare to resist a prince fortified by so powerful an alliance; or, if they did, they would only draw more certain ruin on themselves and on their cause; and that, by subduing the states, a great step would be made towards a reformation of the government; since it was apparent, that that republic, by its fame and grandeur, fortified, in his factious subjects, their attachment to what they vainly termed their civil and religious liberties.

These suggestions happened fatally to concur with all the inclinations and prejudices of the king; his desire of more extensive authority, his propensity to the Catholic religion, his avidity for money. He seems likewise, from the very beginning of his reign, to have entertained great jealousy of his own subjects, and, on that account, a desire of fortifying himself by an intimate alliance with France. So early as 1664, he had offered the French monarch to allow him, without opposition, to conquer Flanders, provided that prince would engage to furnish him with ten thousand infantry, and a suitable number of cavalry, in case of any rebellion in England[c]. As no dangerous symptoms at that time appeared, we are left to conjecture, from this incident, what opinion Charles had conceived of the factious disposition of his people.

Even during the time when the triple alliance was the most zealously cultivated, the king never seems to have been entirely cordial in those salutary measures, but still to have cast a longing eye towards the French alliance.

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[c] D'Estrades, 21st July, 1667.

CHAP. LXV. 1670.

Clifford, who had much of his confidence, said imprudently, "Notwithstanding all this joy, we must have a second war with Holland." The accession of the emperor to that alliance had been refused by England on frivolous pretences. And many unfriendly cavils were raised against the states with regard to Surinam and the conduct of the East India Company[d]. But about April, 1669, the strongest symptoms appeared of those fatal measures which were afterwards more openly pursued.

De Wit, at that time, came to Temple, and told him, that he paid him a visit as a friend, not as a minister. The occasion was, to acquaint him with a conversation which he had lately had with Puffendorf, the Swedish agent, who had passed by the Hague in the way from Paris to his own country. The French ministers, Puffendorf said, had taken much pains to persuade him, that the Swedes would very ill find their account in those measures which they had lately embraced: that Spain would fail them in all her promises of subsidies; nor would Holland alone be able to support them: that England would certainly fail them, and had already adopted counsels directly opposite to those which by the triple league she had bound herself to pursue: and that the resolution was not the less fixed and certain, because the secret was as yet communicated to very few, either in the French or English court. When Puffendorf seemed incredulous, Turenne showed him a letter from Colbert de Crossy, the French minister, at London; in which, after mentioning the success of his negotiations, and the favourable disposition of the chief ministers there, he added, "And I have at last made them sensible of the full extent of his majesty's bounty[e]." From this incident it appears, that the infamous practice of selling themselves to foreign princes, a practice which, notwithstanding the malignity of the vulgar, is certainly rare among men in high office, had not been scrupled by Charles's ministers, who even obtained their master's consent to this dishonourable corruption.

But while all men of penetration, both abroad and at home, were alarmed with these incidents, the visit which the king received from his sister, the Duchess of Orleans, was the foundation of still stronger suspicions. Lewis, knowing the address and insinuation of that amiable princess, and the great influence which she had gained over her brother, had engaged her to employ all her good offices in order to detach Charles from the triple league, which he knew had fixed such insurmountable barriers to his ambition; and he now sent her to put the last hand to the plan of their conjunct operations. That he might the better cover this negotiation, he pretended to visit his frontiers, particularly the great works which he had undertaken at Dunkirk; and he carried the queen and the whole court along with him. While he remained on the opposite shore, the Duchess of Orleans went over to England; and Charles met her at Dover, where they passed ten days together in great mirth and festivity. By her artifices and caresses, she prevailed on Charles to relinquish the most settled maxims of honour and policy, and to finish his engagements with Lewis for the destruction of Holland, as well as for the subsequent change of religion in England.

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[d] See note [B], at the end of the volume.

[e] Temple, vol. ii. p. 179.

29th May.

Alliance with France.

But Lewis well knew Charles's character, and the usual fluctuation of his councils. In order to fix him in the French interests, he resolved to bind him by the ties of pleasure, the only ones which with him were irresistible; and he made him a present of a French mistress, by whose means he hoped, for the future, to govern him. The Duchess of Orleans brought with her a young lady of the name of Queroüaille, whom the king carried to London, and soon after created Duchess of Portsmouth. He was extremely attached to her during the whole course of his life; and she proved a great means of supporting his connexions with her native country.

The satisfaction which Charles reaped from his new alliance received a great check by the death of his sister, and still more by those melancholy circumstances which attended it. Her death was sudden, after a few days' illness; and she was seized with the malady upon drinking a glass of succory water. Strong suspicions of poison arose in the court of France, and were spread all over Europe; and as her husband had discovered many symptoms of jealousy and discontent on account of her conduct, he was universally believed to be the author of the crime. Charles himself during some time was entirely convinced of his guilt; but upon receiving the attestation of physicians, who, on opening her body, found no foundation for the general rumour, he was, or pretended to be, satisfied. The Duke of Orleans, indeed, did never, in any other circumstance of his life, betray such dispositions as might lead him to so criminal an action; and a lady, it is said, drank the remains of the same glass, without feeling any inconvenience. The sudden death of princes is commonly accompanied with these dismal surmises; and therefore less weight is in this case to be laid on the suspicions of the public.

Charles, instead of breaking with France upon this incident, took advantage of it to send over Buckingham, under pretence of condoling with the Duke of Orleans, but in reality to concert farther measures for the projected war. Never ambassador received greater caresses. The more destructive the present measures were to the interests of England, the more natural was it for Lewis to load with civilities, and even with favours, those whom he could engage to promote them.

The journey of Buckingham augmented the suspicions in Holland, which every circumstance tended still farther to confirm. Lewis made a sudden irruption into Lorraine; and though he missed seizing the duke himself, who had no surmise of the danger, and who narrowly escaped, he was soon able, without resistance, to make himself master of the whole country. The French monarch was so far unhappy, that, though the most tempting opportunities offered themselves, he had not commonly so much as the pretence of equity and justice to cover his ambitious measures. This acquisition of Lorraine ought to have excited the jealousy of the contracting powers in the triple league, as much as an invasion of Flanders itself; yet did Charles turn a deaf ear to all remonstrances made him upon that subject.

But what tended chiefly to open the eyes of De Wit and the states, with regard to the measures of England, was the sudden recall of Sir William Temple. This minister had so firmly established his character of honour and integrity, that he was believed incapable even of obeying his master's commands in promoting measures which he esteemed pernicious to his country; and so long as he remained in employment, De Wit thought himself assured of the fidelity of England. Charles was so sensible of this prepossession, that he ordered Temple to leave his family at the Hague, and pretended that that minister would immediately return after having conferred with the king about some business, where his negotiation had met with obstructions. De Wit made the Dutch resident inform the English court, that he should consider the recall of Temple as an express declaration of a change of measures in England; and should even know what interpretation to put upon any delay of his return.

24th Oct. A Parliament.

While these measures were secretly in agitation, the Parliament met according to adjournment. The king made a short speech, and left the business to be enlarged upon by the keeper. That minister much insisted on the king's great want of supply; the mighty increase of the naval power of France, now triple to what it was before the last war with Holland; the decay of the English navy; the necessity of fitting out next year a fleet of fifty sail; the obligations which the king lay under by several treaties to exert himself for the common good of Christendom. Among other treaties, he mentioned the triple alliance, and the defensive league with the states.

The artifice succeeded. The House of Commons, entirely satisfied with the king's measures, voted him considerable supplies. A land tax for a year was imposed of a shilling a pound; two shillings a pound on two-thirds of the salaries of offices; fifteen shillings on every hundred pounds of bankers' money and stock; an additional excise upon beer for six years, and certain impositions upon law proceedings for nine years. The Parliament had never before been in a more liberal humour; and never surely was it less merited by the counsels of the king and of his ministers[f].

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[f] This year, on the third of January, died George Monk, Duke of Albemarle, at Newhall, in Essex, after a languishing illness, and in the sixty-third year of his age. He left a great estate of fifteen thousand pounds a year in land, and sixty thousand pounds in money, acquired by the bounty of the king, and increased by his own frugality in his latter years. Bishop Burnet, who, agreeably to his own factious spirit, treats this illustrious personage with great malignity, reproaches him with avarice. But as he appears not to have been in the least tainted with rapacity, his frugal conduct may more candidly be imputed to the habits acquired in early life, while he was possessed of a very narrow fortune It is indeed a singular proof of the strange power of faction, that any malignity should pursue the memory of a nobleman, the tenor of whose life was so unexceptionable, and who, by restoring

CHAP. LXV. 1671. The Commons passed another bill for laying a duty on tobacco, Scotch salt, glasses, and some other commodities. Against this bill the merchants of London appeared by petition before the House of Lords. The Lords entered into their reasons, and began to make amendments on the bill sent up by the Commons. This attempt was highly resented by the Lower House, as an encroachment on the right, which they pretended to possess alone, of granting money to the crown. Many remonstrances passed between the two Houses; and by their altercations the king was obliged to prorogue the Parliament; and he thereby lost the money which was intended him. This is the last time that the Peers have revived any pretensions of that nature. Ever since, the privilege of the Commons, in all other places except in the House of Peers, has passed for uncontroverted. 22d April.

There was a private affair, which, during this session, disgusted the House of Commons, and required some pains to accommodate it. The usual method of those who opposed the court in the money bills was, if they failed in the main vote, as to the extent of the supply, to levy the money upon such funds as they expected would be unacceptable, or would prove deficient. It was proposed to lay an imposition upon playhouses: the courtiers objected, that the players were the king's servants, and a part of his pleasure. Sir John Coventry, a gentleman of the country party, asked, "whether the king's pleasure lay among the male or the female players?" This stroke of satire was aimed at Charles, who, besides his mistresses of higher quality, entertained at that time two actresses, Davis and Nell Gwyn. The king received not the raillery with the good humour which might have

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the ancient, and legal, and free government to three kingdoms, plunged in the most destructive anarchy, may safely be said to be the subject in these islands, who, since the beginning of time, rendered the most durable and most essential services to his native country. The means also by which he achieved his great undertakings were almost entirely unexceptionable. His temporary dissimulation, being absolutely necessary, could scarcely be blameable. He had received no trust from that mongrel, pretended, usurping Parliament whom he dethroned; therefore could betray none. He even refused to carry his dissimulation so far as to take the oath of abjuration against the king. I confess however that the Rev. Dr. Douglas has shown me, from the Clarendon papers, an original letter of his to Sir Arthur Hazelrig, containing very earnest, and certainly false, protestations of his zeal for a commonwealth. It is to be lamented that so worthy a man, and of such plain manners, should ever have found it necessary to carry his dissimulation to such a height. His family ended with his son.

been expected. It was said that, this being the first time that respect to majesty had been publicly violated, it was necessary, by some severe chastisement, to make Coventry an example to all who might incline to tread in his footsteps. Sands, Obrian, and some other officers of the guards, were ordered to waylay him, and to set a mark upon him. He defended himself with bravery, and after wounding several of the assailants, was disarmed with some difficulty. They cut his nose to the bone, in order, as they said, to teach him what respect he owed to the king. The Commons were inflamed by this indignity offered to one of their members, on account of words spoken in the House. They passed a law, which made it capital to maim any person; and they enacted, that those criminals, who had assaulted Coventry, should be incapable of receiving a pardon from the crown.

Coventry act.

There was another private affair transacted about this time, by which the king was as much exposed to the imputation of capricious lenity, as he was here blamed for unnecessary severity. Blood, a disbanded officer of the protector's, had been engaged in the conspiracy for raising an insurrection in Ireland; and on account of this crime he himself had been attainted, and some of his accomplices capitally punished. The daring villain meditated revenge upon Ormond, the lord lieutenant. Having by artifice drawn off the duke's footmen, he attacked his coach in the night-time, as it drove along St. James's-street in London; and he made himself master of his person. He might here have finished the crime, had he not meditated refinements in his vengeance: he was resolved to hang the duke at Tyburn; and for that purpose bound him, and mounted him on horseback behind one of his companions. They were advanced a good way into the fields, when the duke, making efforts for his liberty, threw himself to the ground, and brought down with him the assassin to whom he was fastened. They were struggling together in the mire, when Ormond's servants, whom the alarm had reached, came and saved him. Blood and his companions, firing their pistols in a hurry at the duke, rode off and saved themselves by means of the darkness.

Blood's crimes.

Buckingham was at first, with some appearances of rea-

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son, suspected to be the author of this attempt. His profligate character, and his enmity against Ormond, exposed him to that imputation. Ossory soon after came to court; and seeing Buckingham stand by the king, his colour rose, and he could not forbear expressing himself to this purpose: "My lord, I know well that you are at the bottom of this late attempt upon my father: but I give you warning; if by any means he come to a violent end, I shall not be at a loss to know the author: I shall consider you as the assassin: I shall treat you as such; and wherever I meet you, I shall pistol you, though you stood behind the king's chair; and I tell it you in his majesty's presence, that you may be sure I shall not fail of performance[g]." If there was here any indecorum, it was easily excused in a generous youth, when his father's life was exposed to danger.

A little after, Blood formed a design of carrying off the crown and regalia from the Tower; a design to which he was prompted, as well by the surprising boldness of the enterprise, as by the views of profit. He was near succeeding. He had bound and wounded Edwards, the keeper of the jewel-office, and had gotten out of the Tower with his prey; but was overtaken and seized, with some of his associates. One of them was known to have been concerned in the attempt upon Ormond; and Blood was immediately concluded to be the ringleader. When questioned, he frankly avowed the enterprise; but refused to tell his accomplices. "The fear of death," he said, "should never engage him either to deny guilt, or betray a friend." All these extraordinary circumstances made him the general subject of conversation; and the king was moved, by an idle curiosity, to see and speak with a person so noted for his courage and his crimes. Blood might now esteem himself secure of pardon; and he wanted not address to improve the opportunity. He told Charles that he had been engaged, with others, in a design to kill him with a carabine above Battersea, where his majesty often went to bathe: that the cause of this resolution was the severity exercised over the consciences of the godly, in restraining the liberty of their religious assemblies: that when he had taken his stand among the reeds, full of these bloody resolutions, he found his heart checked with an awe of majesty; and he not only relented himself, but diverted his associates from their purpose: that he had long ago brought himself to an entire indifference about life, which he now gave for lost; yet could he not forbear warning the king of the danger which might attend his execution: that his associates had bound themselves by the strictest oaths to revenge the death of any of the confederacy; and that no precaution or power could secure any one from the effects of their desperate resolutions.

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[g] Carte's Ormond, vol. ii. p. 225.

Whether these considerations excited fear or admiration in the king, they confirmed his resolution of granting a pardon to Blood; but he thought it a point of decency first to obtain the Duke of Ormond's consent. Arlington came to Ormond in the king's name, and desired that he would not prosecute Blood, for reasons which he was commanded to give him. The duke replied, that his majesty's commands were the only reasons that could be given; and being sufficient, he might therefore spare the rest. Charles carried his kindness to Blood still farther: he granted him an estate of five hundred pounds a year in Ireland; he encouraged his attendance about his person; he showed him great countenance; and many applied to him for promoting their pretensions at court. And while old Edwards, who had bravely ventured his life, and had been wounded in defending the crown and regalia, was forgotten and neglected, this man, who deserved only to be stared at, and detested as a monster, became a kind of favourite.

Errors of this nature in private life have often as bad an influence as miscarriages in which the public is more immediately concerned. Another incident happened this year, which infused a general displeasure, and still greater apprehensions into all men. The Duchess of York died; and in her last sickness, she made open profession of the Romish religion, and finished her life in that communion. This put an end to that thin disguise which the Duke had hitherto worn; and he now openly declared his conversion to the church of Rome. Unaccountable terrors of popery, ever since the accession of the house of Stuart, had prevailed throughout the nation; but these had

Duke of York declares himself catholic.

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formerly been found so groundless, and had been employed to so many bad purposes, that surmises of this nature were likely to meet with the less credit among all men of sense; and nothing but the duke's imprudent bigotry could have convinced the whole nation of his change of religion. Popery, which had hitherto been only a hideous spectre, was now become a real ground of terror; being openly and zealously embraced by the heir to the crown, a prince of industry and enterprise; while the king himself was not entirely free from like suspicions.

It is probable that the new alliance with France inspired the duke with the courage to make open profession of his religion, and rendered him more careless of the affections and esteem of the English. This alliance became every day more apparent. Temple was declared to be no longer ambassador to the states; and Downing, whom the Dutch regarded as the inveterate enemy of their republic, was sent over in his stead. A ground of quarrel was sought by means of a yacht, despatched for Lady Temple. The captain sailed through the Dutch fleet which lay on their own coasts; and he had orders to make them strike, to fire on them, and to persevere till they should return his fire. The Dutch admiral, Van Ghent, surprised at this bravado, came on board the yacht, and expressed his willingness to pay respect to the British flag, according to former practice: but that a fleet, on their own coasts, should strike to a single vessel, and that not a ship of war, was, he said, such an innovation, that he durst not, without express orders, agree to it. The captain, thinking it dangerous, as well as absurd, to renew firing in the midst of the Dutch fleet, continued his course; and, for that neglect of orders, was committed to the Tower.

This incident, however, furnished Downing with a new article to increase those vain pretences, on which it was purposed to ground the intended rupture. The English court delayed several months before they complained; lest, if they had demanded satisfaction more early, the Dutch might have had time to grant it. Even when Downing delivered his memorial, he was bound by his instructions not to accept of any satisfaction after a

1671. certain number of days; a very imperious manner of negotiating, and impracticable in Holland, where the forms of the republic rendered delays absolutely unavoidable. An answer, however, though refused by Downing, was sent over to London; with an ambassador extraordinary, who had orders to use every expedient that might give satisfaction to the court of England. That court replied, that the answer of the Hollanders was ambiguous and obscure; but they would not specify the articles or expressions which were liable to that objection. The Dutch ambassador desired the English ministry to draw the answer in what terms they pleased, and he engaged to sign it. The English ministry replied, that it was not their business to draw papers for the Dutch. The ambassador brought them the draught of an article, and asked them whether it were satisfactory: the English answered that, when he had signed and delivered it, they would tell him their mind concerning it. The Dutchman resolved to sign it at a venture; and on his demanding a new audience, an hour was appointed for that purpose: but when he attended, the English refused to enter upon business, and told him, that the season for negotiating was now past[h].

1672. Long and frequent prorogations were made of the Parliament; lest the Houses should declare themselves with vigour against counsels so opposite to the inclination as well as interests of the public. Could we suppose that Charles, in his alliance against Holland, really meant the good of his people, that measure must pass for an extraordinary, nay, a romantic strain of patriotism, which could lead him, in spite of all difficulties, and even in spite of themselves, to seek the welfare of the nation. But every step which he took in this affair became a proof, to all men of penetration, that the present war was intended against the religion and liberties of his own subjects, even more than against the Dutch themselves. He now acted in every thing as if he were

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[h] England's Appeal, p. 22. This year, on the 12th of November, died, in his retreat, and in the sixtieth year of his age, Thomas, Lord Fairfax, who performed many great actions, without being a memorable personage, and allowed himself to be carried into many criminal enterprises, with the best and most upright intentions. His daughter and heir was married to George Villiers, Duke of Buckingham.

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already an absolute monarch, and was never more to lie under the control of national assemblies.

The long prorogations of Parliament, if they freed the king from the importunate remonstrances of that assembly, were, however, attended with this inconvenience, that no money could be procured to carry on the military preparations against Holland. Under pretence of maintaining the triple league, which at that very time he had firmly resolved to break, Charles had obtained a large supply from the Commons; but this money was soon exhausted by debts and expenses. France had stipulated to pay two hundred thousand pounds a year during the war; but that supply was inconsiderable, compared to the immense charge of the English navy. It seemed as yet premature to venture on levying money without consent of Parliament; since the power of taxing themselves was the privilege, of which the English were, with reason, particularly jealous. Some other resource must be fallen on. The king had declared, that the staff of treasurer was ready for any one that could find an expedient for supplying the present necessities. Shaftesbury dropped a hint to Clifford, which the latter immediately seized, and carried to the king, who granted him the promised reward, together with a peerage. This expedient was the shutting up of the exchequer, and the retaining of all the payments which should be made into it.

2d Jan. Exchequer shut.

It had been usual for the bankers to carry their money to the exchequer, and to advance it upon security of the funds, by which they were afterwards reimbursed, when the money was levied on the public. The bankers, by this traffic, got eight, sometimes ten, per cent. for sums which either had been consigned to them without interest, or which they had borrowed at six per cent.: profits which they dearly paid for by this egregious breach of public faith. The measure was so suddenly taken, that none had warning of the danger. A general confusion prevailed in the city, followed by the ruin of many. The bankers stopped payment; the merchants could answer no bills; distrust took place every where, with a stagnation of commerce, by which the public was universally affected: and men, full of dismal apprehensions, asked each other, what must be the scope of those mysterious

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counsels, whence the Parliament and all men of honour were excluded, and which commenced by the forfeiture of public credit, and an open violation of the most solemn engagements, both foreign and domestic.

Declaration of indulgence.

Another measure of the court contains something laudable, when considered in itself; but if we reflect on the motive whence it proceeded, as well as the time when it was embraced, it will furnish a strong proof of the arbitrary and dangerous counsels pursued at present by the king and his ministry. Charles resolved to make use of his supreme power in ecclesiastical matters; a power, he said, which was not only inherent in him, but which had been recognized by several acts of Parliament. By virtue of this authority, he issued a proclamation, suspending the penal laws enacted against all nonconformists or recusants whatsoever; and granting to the Protestant dissenters the public exercise of their religion, to the Catholics the exercise of it in private houses. A fruitless experiment, of this kind, opposed by the Parliament, and retracted by the king, had already been made a few years after the restoration; but Charles expected that the Parliament, whenever it should meet, would now be tamed to greater submission, and would no longer dare to control his measures. Meanwhile, the dissenters, the most inveterate enemies of the court, were mollified by these indulgent maxims; and the Catholics, under their shelter, enjoyed more liberty than the laws had hitherto allowed them.

15th Mar.

At the same time, the act of navigation was suspended by royal will and pleasure: a measure which, though a stretch of prerogative, seemed useful to commerce, while all the seamen were employed on board the royal navy. A like suspension had been granted, during the first Dutch war, and was not much remarked; because men had, at that time, entertained less jealousy of the crown. A proclamation was also issued, containing rigorous clauses in favour of pressing: another full of menaces against those who presumed to speak undutifully of his majesty's measures, and even against those who heard such discourse, unless they informed in due time against the offenders: another against importing or vending any sort of painted earthenware, "except those of China,

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upon pain of being grievously fined, and suffering the utmost punishment which might be lawfully inflicted upon contemners of his majesty's royal authority." An army had been levied; and it was found that discipline could not be enforced without the exercise of martial law; which was therefore established by order of council, though contrary to the petition of right. All these acts of power, how little important soever in themselves, savoured strongly of arbitrary government, and were nowise suitable to that legal administration, which the Parliament, after such violent convulsions and civil wars, had hoped to have established in the kingdom.

It may be worth remarking, that the lord-keeper refused to affix the great seal to the declaration for suspending the penal laws; and was for that reason, though under other pretences, removed from his office. Shaftesbury was made chancellor in his place; and thus another member of the cabal received the reward of his counsels.

Attack of the Smyrna fleet.

Foreign transactions kept pace with these domestic occurrences. An attempt, before the declaration of war, was made on the Dutch Smyrna fleet, by Sir Robert Holmes. This fleet consisted of seventy sail, valued at a million and a half; and the hopes of seizing so rich a prey had been a great motive for engaging Charles in the present war, and he had considered that capture as a principal resource for supporting his military enterprises. Holmes, with nine frigates and three yachts, had orders to go on this command; and he passed Sprague in the channel, who was returning with a squadron from a cruise in the Mediterranean. Sprague informed him of the near approach of the Hollanders; and had not Holmes, from a desire of engrossing the honour and profit of the enterprise, kept the secret of his orders, the conjunction of these squadrons had rendered the success infallible.

13th Mar.

When Holmes approached the Dutch, he put on an amicable appearance, and invited the admiral, Van Ness, who commanded the convoy, to come on board of him: one of his captains gave a like insidious invitation to the rear-admiral. But these officers were on their guard. They had received an intimation of the hostile intentions of the English, and had already put all the ships of war and merchantmen in an excellent posture of defence.

Three times were they valiantly assailed by the English; and as often did they valiantly defend themselves. In the third attack, one of the Dutch ships of war was taken; and three or four of their most inconsiderable merchantmen fell into the enemy's hands. The rest, fighting with skill and courage, continued their course; and, favoured by a mist, got safe into their own harbours. This attempt is denominated perfidious and piratical by the Dutch writers, and even by many of the English. It merits at least the appellation of irregular; and, as it had been attended with bad success, it brought double shame upon the contrivers. The English ministry endeavoured to apologize for the action, by pretending that it was a casual rencounter, arising from the obstinacy of the Dutch, in refusing the honours of the flag: but the contrary was so well known, that even Holmes himself had not the assurance to persist in this asseveration.

17th Mar. War declared with Holland.

Till this incident, the states, notwithstanding all the menaces and preparations of the English, never believed them thoroughly in earnest; and had always expected that the affair would terminate, either in some demands of money, or in some proposals for the advancement of the Prince of Orange. The French themselves had never much reckoned on assistance from England; and scarcely could believe that their ambitious projects would, contrary to every maxim of honour and policy, be forwarded by that power which was most interested and most able to oppose them. But Charles was too far advanced to retreat. He immediately issued a declaration of war against the Dutch; and surely reasons more false and frivolous never were employed to justify a flagrant violation of treaty. Some complaints are there made of injuries done to the East India Company, which yet that company disavowed: the detention of some English in Surinam is mentioned; though it appears that these persons had voluntarily remained there: the refusal of a Dutch fleet, on their own coasts, to strike to an English yacht, is much aggravated: and to piece up all these pretensions, some abusive pictures are mentioned, and represented as a ground of quarrel. The Dutch were long at a loss what to make of this article; till it was discovered, that a portrait of Cornelius de Wit, brother to the pensionary, painted by order of certain magistrates of Dort, and hung up in a chamber of the town-house, had given occasion to the complaint. In the perspective of this portrait, the painter had drawn some ships on fire in a harbour. This was construed to be Chatham, where De Wit had really distinguished himself, and had acquired honour; but little did he imagine, that, while the insult itself, committed in open war, had so long been forgiven, the picture of it should draw such severe vengeance upon his country. The conclusion of this manifesto, where the king still professed his resolution of adhering to the triple alliance, was of a piece with the rest of it.

Lewis's declaration of war contained more dignity, if undisguised violence and injustice could merit that appellation. He pretended only, that the behaviour of the Hollanders had been such, that it did not consist with his glory any longer to bear it. That monarch's preparations were in great forwardness; and his ambition was flattered with the most promising views of success. Sweden was detached from the triple league: the Bishop of Munster was engaged by the payment of subsidies to take part with France: the Elector of Cologne had entered into the same alliance; and having consigned Bonne and other towns into the hands of Lewis, magazines were there erected; and it was from that quarter that France proposed to invade the United Provinces. The standing force of that kingdom amounted to a hundred and eighty thousand men; and with more than one half of this great army was the French king now approaching to the Dutch frontiers. The order, economy, and industry of Colbert, equally subservient to the ambition of the prince and happiness of the people, furnished unexhausted treasures. These, employed by the unrelenting vigilance of Louvois, supplied every military preparation, and facilitated all the enterprises of the army: Condé, Turenne, seconded by Luxembourg, Crequi, and the most renowned generals of the age, conducted this army, and by their conduct and reputation inspired courage into every one. The monarch himself, surrounded with a brave nobility, animated his troops by the prospect of reward, or, what was more valued, by the hopes of his approbation. The fatigues of war

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gave no interruption to gaiety: its dangers furnished matter for glory: and in no enterprise did the genius of that gallant and polite people ever break out with more distinguished lustre.

Though De Wit's intelligence in foreign courts was not equal to the vigilance of his domestic administration, he had, long before, received many surmises of this fatal confederacy; but he prepared not for defence so early, or with such industry, as the danger required. A union of England with France was evidently, he saw, destructive to the interests of the former kingdom; and, therefore, overlooking or ignorant of the humours and secret views of Charles, he concluded it impossible that such pernicious projects could ever really be carried into execution. Secure in this fallacious reasoning, he allowed the republic to remain too long in that defenceless situation, into which many concurrent accidents had conspired to throw her.

Weakness of the states.

By a continued and successful application to commerce, the people were become unwarlike, and confided entirely for their defence in that mercenary army which they maintained. After the treaty of Westphalia, the states, trusting to their peace with Spain, and their alliance with France, had broken a great part of this army, and did not support with sufficient vigilance the discipline of the troops which remained. When the aristocratic party prevailed, it was thought prudent to dismiss many of the old experienced officers, who were devoted to the house of Orange; and their place was supplied by raw youths, the sons or kinsmen of burgomasters, by whose interest the party was supported. These new officers, relying on the credit of their friends and family, neglected their military duty; and some of them, it is said, were even allowed to serve by deputies, to whom they assigned a small part of their pay. During the war with England, all the forces of that nation had been disbanded: Lewis's invasion of Flanders, followed by the triple league, occasioned the dismission of the French regiments: and the place of these troops, which had ever had a chief share in the honour and fortune of all the wars in the Low Countries, had not been supplied by any new levies.

De Wit, sensible of this dangerous situation, and

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alarmed by the reports which came from all quarters, exerted himself to supply those defects, to which it was not easy of a sudden to provide a suitable remedy. But every proposal, which he could make, met with opposition from the Orange party, now become extremely formidable. The long and uncontrolled administration of this statesman had begotten envy: the present incidents roused up his enemies and opponents, who ascribed to his misconduct alone the bad situation of the republic: and, above all, the popular affection to the young prince, which had so long been held in violent constraint, and had thence acquired new accessions of force, began to display itself, and to threaten the commonwealth with some great convulsion. William III., Prince of Orange, was in the twenty-second year of his age, and gave strong indications of those great qualities, by which his life was afterwards so much distinguished. De Wit himself, by giving him an excellent education, and instructing him in all the principles of government and sound policy, had generously contributed to make his rival formidable. Dreading the precarious situation of his own party, he was always resolved, he said, by conveying to the prince the knowledge of affairs, to render him capable of serving his country, if any future emergence should ever throw the administration into his hands. The conduct of William had hitherto been extremely laudable. Notwithstanding his powerful alliances with England and Brandenburg, he had expressed his resolution of depending entirely on the states for his advancement; and the whole tenor of his behaviour suited extremely the genius of that people. Silent and thoughtful; given to hear and to inquire; of a sound and steady understanding; firm in what he once resolved, or once denied; strongly intent on business, little on pleasure: by these virtues he engaged the attention of all men: and the people, sensible that they owed their liberty, and very existence, to his family, and remembering, that his great uncle, Maurice, had been able, even in more early youth, to defend them against the exorbitant power of Spain, were desirous of raising this prince to all the authority of his ancestors, and hoped, from his valour and conduct alone, to receive protection against

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those imminent dangers with which they were at present threatened.

While these two powerful factions struggled for superiority, every scheme for defence was opposed, every project retarded. What was determined with difficulty, was executed without vigour. Levies indeed were made, and the army completed to seventy thousand men[i]: the prince was appointed both general and admiral of the commonwealth, and the whole military power was put into his hands. But new troops could not of a sudden acquire discipline and experience; and the partisans of the prince were still unsatisfied, as long as the *perpetual edict*, so it was called, remained in force; by which he was excluded from the stadtholdership, and from all share in the civil administration.

It had always been the maxim of De Wit's party to cultivate naval affairs with extreme care, and to give the fleet a preference above the army, which they represented as the object of an unreasonable partiality in the Princes of Orange. The two violent wars, which had of late been waged with England, had exercised the valour, and improved the skill, of the sailors: and, above all, De Ruyter, the greatest sea-commander of the age, was closely connected with the Louvestein party; and every one was disposed, with confidence and alacrity, to obey him. The equipment of the fleet was therefore hastened by De Wit; in hopes that, by striking at first a successful blow, he might inspire courage into the dismayed states, and support his own declining authority. He seems to have been, in a peculiar manner, incensed against the English; and he resolved to take revenge on them for their conduct, of which, he thought, he himself and his country had such reason to complain. By the offer of a close alliance for mutual defence, they had seduced the republic to quit the alliance of France; but no sooner had she embraced these measures, than they formed leagues for her destruction, with that very power which they had treacherously engaged her to offend. In the midst of full peace, nay, during an intimate union, they attacked her commerce, her only means of subsistence; and, moved by shameful rapacity, had invaded

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[i] Temple, vol. i. p. 75.

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that property, which, from a reliance on their faith, they had hoped to find unprotected and defenceless. Contrary to their own manifest interest, as well as to their honour, they still retained a malignant resentment for her successful conclusion of the former war; a war which had, at first, sprung from their own wanton insolence and ambition. To repress so dangerous an enemy would, De Wit imagined, give peculiar pleasure, and contribute to the future security of his country, whose prosperity was so much the object of general envy.

Actuated by like motives and views, De Ruyter put to sea with a formidable fleet, consisting of ninety-one ships of war, and forty-four fire-ships. Cornelius de Wit was on board, as deputy from the states. They sailed in quest of the English, who were under the command of the Duke of York, and who had already joined the French under Mareschal d'Etrées. The combined fleets lay at Solebay in a very negligent posture; and Sandwich, being an experienced officer, had given the duke warning of the danger; but received, it is said, such an answer as intimated, that there was more of caution than of courage in his apprehensions. Upon the appearance of the enemy, every one ran to his post with precipitation, and many ships were obliged to cut their cables, in order to be in readiness. Sandwich commanded the van; and though determined to conquer or to perish, he so tempered his courage with prudence, that the whole fleet was visibly indebted to him for its safety. He hastened out of the bay, where it had been easy for De Ruyter with his fire-ships to have destroyed the combined fleets, which were crowded together; and by this wise measure he gave time to the Duke of York, who commanded the main body, and to Mareschal d'Etrées, admiral of the rear, to disengage themselves. He himself meanwhile rushed into battle with the Hollanders; and by presenting himself to every danger, had drawn upon him all the bravest of the enemy. He killed Van Ghent, a Dutch admiral, and beat off his ship: he sunk another ship, which ventured to lay him aboard: he sunk three fire-ships, which endeavoured to grapple with him: and though his vessel was torn in pieces with shot, and of a thousand men she contained, near six hundred were laid dead upon

Battle of Solebay, 28th May.

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the deck, he continued still to thunder with all his artillery, in the midst of the enemy. But another fire-ship, more fortunate than the preceding, having laid hold of his vessel, her destruction was now inevitable. Warned by Sir Edward Haddock, his captain, he refused to make his escape, and bravely embraced death as a shelter from that ignominy, which a rash expression of the duke's, he thought, had thrown upon him.

Sandwich killed.

During this fierce engagement with Sandwich, De Ruyter remained not inactive. He attacked the Duke of York, and fought him with such fury for about two hours, that, of two and thirty actions, in which that admiral had been engaged, he declared this combat to be the most obstinately disputed. The duke's ship was so shattered, that he was obliged to leave her, and remove his flag to another.

His squadron was overpowered with numbers; till Sir Joseph Jordan, who had succeeded to Sandwich's command, came to his assistance; and the fight, being more equally balanced, was continued till night, when the Dutch retired, and were not followed by the English. The loss sustained by the fleets of the two maritime powers was nearly equal, if it did not rather fall more heavy on the English. The French suffered very little, because they had scarcely been engaged in the action; and as this backwardness is not their national character, it was concluded that they had received secret orders to spare their ships, while the Dutch and English should weaken each other by their mutual animosity. Almost all the other actions during the present war tended to confirm this suspicion.

It might be deemed honourable for the Dutch to have fought with some advantage the combined fleets of two such powerful nations; but nothing less than a complete victory could serve the purpose of De Wit, or save his country from those calamities, which from every quarter threatened to overwhelm her. He had expected that the French would make their attack on the side of Maestricht, which was well fortified, and provided with a good garrison; but Lewis, taking advantage of his alliance with Cologne, resolved to invade the enemy on that frontier, which he knew to be more feeble and defence-

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less. The armies of that elector and those of Munster appeared on the other side of the Rhine, and divided the force and attention of the states. The Dutch troops, too weak to defend so extensive a frontier, were scattered into so many towns, that no considerable body remained in the field; and a strong garrison was scarcely to be found in any fortress. Lewis passed the Meuse at Viset; and laying siege to Orsoi, a town of the Elector of Brandenburgh's, but garrisoned by the Dutch, he carried it in three days. He divided his army, and invested at once Burik, Wesel, Emerick, and Rhimberg, four places regularly fortified, and not unprovided with troops: in a few days all these places were surrendered. A general astonishment had seized the Hollanders, from the combination of such powerful princes against the republic; and nowhere was resistance made, suitable to the ancient glory or present greatness of the state. Governors without experience commanded troops without discipline; and despair had universally extinguished that sense of honour, by which alone men, in such dangerous extremities, can be animated to a valorous defence.

14th May. Progress of the French.

2d June.

Lewis advanced to the banks of the Rhine, which he prepared to pass. To all the other calamities of the Dutch was added the extreme drought of the season, by which the greatest rivers were much diminished, and in some places rendered fordable. The French cavalry, animated by the presence of their prince, full of impetuous courage, but ranged in exact order, flung themselves into the river: the infantry passed in boats: a few regiments of Dutch appeared on the other side, who were unable to make resistance. And thus was executed, without danger, but not without glory, the passage of the Rhine; so much celebrated, at that time, by the flattery of the French courtiers, and transmitted to posterity by the more durable flattery of their poets.

Each success added courage to the conquerors, and struck the vanquished with dismay. The Prince of Orange, though prudent beyond his age, was but newly advanced to the command, unacquainted with the army, unknown to them; and all men, by reason of the violent factions which prevailed, were uncertain of the authority on which they must depend. It was expected, that the fort of

Skink, famous for the sieges which it had formerly sustained, would make some resistance; but it yielded to Turenne in a few days. The same general made himself master of Arnheim, Knotzembourg, and Nimeguen, as soon as he appeared before them. Doesbourg at the same time opened its gates to Lewis: soon after, Harderwic, Amersfort, Campen, Rhenen, Viane, Elberg, Zwol, Cuilemberg, Wageninguen, Lochem, Woerden, fell into the enemies' hands: Groll and Deventer surrendered to the Mareschal Luxembourg, who commanded the troops of Munster; and every hour brought to the states news of the rapid progress of the French, and of the cowardly defence of their own garrisons.

The Prince of Orange, with his small and discouraged army, retired into the province of Holland; where he expected, from the natural strength of the country, since all human art and courage failed, to be able to make some resistance. The town and province of Utrecht sent deputies, and surrendered themselves to Lewis. Naerden, a place within three leagues of Amsterdam, was seized by the Marquis of Rochfort, and, had he pushed on to Muyden, he had easily gotten possession of it. Fourteen stragglers of his army having appeared before the gates of that town, the magistrates sent them the keys; but a servant maid, who was alone in the castle, having raised the drawbridge, kept them from taking possession of that fortress. The magistrates afterwards, finding the party so weak, made them drunk, and took the keys from them. Muyden is so near to Amsterdam, that its cannon may infest the ships which enter that city.

25th June.

Lewis with a splendid court made a solemn entry into Utrecht, full of glory, because every where attended with success; though more owing to the cowardice and misconduct of his enemies, than to his own valour or prudence. Three provinces were already in his hands, Guelderland, Overyssel, and Utrecht; Groninghen was threatened: Friezeland was exposed: the only difficulty lay in Holland and Zealand; and the monarch deliberated concerning the proper measures for reducing them. Condé and Turenne exhorted him to dismantle all the towns which he had taken, except a few; and fortifying his main army by the garrisons, put himself in a condition of pushing his conquests. Louvois, hoping that the other provinces, weak and dismayed, would prove an easy prey, advised him to keep possession of places which might afterwards serve to retain the people in subjection. His counsel was followed; though it was found, soon after, to have been the most impolitic.

Consternation of the Dutch.

Meanwhile the people throughout the republic, instead of collecting a noble indignation against the haughty conqueror, discharged their rage upon their own unhappy minister, on whose prudence and integrity every one formerly bestowed the merited applause: the bad condition of the armies was laid to his charge; the ill choice of governors was ascribed to his partiality; as instances of cowardice multiplied, treachery was suspected; and his former connexions with France being remembered, the populace believed, that he and his partisans had now combined to betray them to their most mortal enemy. The Prince of Orange, notwithstanding his youth and inexperience, was looked on as the only saviour of the state; and men were violently driven by their fears into his party, to which they had always been led by favour and inclination.

Amsterdam alone seemed to retain some courage; and by forming a regular plan of defence, endeavoured to infuse spirit into the other cities. The magistrates obliged the burgesses to keep a strict watch: the populace, whom want of employment might engage to mutiny, were maintained by regular pay, and armed for the defence of the public. Some ships, which lay useless in the harbour, were refitted, and stationed to guard the city: and the sluices being opened, the neighbouring country, without regard to the damage sustained, was laid under water. All the provinces followed the example, and scrupled not, in this extremity, to restore to the sea those fertile fields, which with great art and expense had been won from it.

The states were assembled, to consider whether any means were left to save the remains of their lately flourishing, and now distressed commonwealth. Though they were surrounded with waters, which barred all access to the enemy, their deliberations were not conducted with that tranquillity, which could alone suggest measures proper to extricate them from their present difficulties. The nobles gave their vote, that, provided their religion, liberty, and sovereignty, could be saved, every thing else should without scruple be sacrificed to the conqueror. Eleven towns concurred in the same sentiments. Amsterdam singly declared against all treaty with insolent and triumphant enemies; but, notwithstanding that opposition, ambassadors were despatched to implore the pity of the two combined monarchs. It was resolved to sacrifice to Lewis, Maestricht, and all the frontier towns which lay without the bounds of the seven provinces, and to pay him a large sum for the charges of the war.

Lewis deliberated with his ministers Louvois and Pomponne, concerning the measures which he should embrace in the present emergence; and fortunately for Europe, he still preferred the violent counsels of the former. He offered to evacuate his conquests, on condition that all duties lately imposed on the commodities of France should be taken off: that the public exercise of the Romish religion should be permitted in the United Provinces; the churches shared with the Catholics; and their priests maintained by appointments from the states: that all the frontier towns of the republic should be yielded to him, together with Nimeguen, Skink, Knotzembourg, and that part of Guelderland which lay on the other side of the Rhine; as likewise the isle of Bommel, that of Voorn, the fortress of St. Andrew, those of Louvestein and Crevecœur: that the states should pay him the sum of twenty millions of livres for the charges of the war: that they should every year send him a solemn embassy, and present him with a golden medal, as an acknowledgment that they owed to him the preservation of that liberty, which, by the assistance of his predecessors, they had formerly acquired: and that they should give entire satisfaction to the King of England: and he allowed them but ten days for the acceptance of these demands.

The ambassadors sent to London met with still worse reception: no minister was allowed to treat with them; and they were retained in a kind of confinement. But, notwithstanding this rigorous conduct of the court, the

CHAP. LXV. 1672. presence of the Dutch ambassadors excited the sentiments of tender compassion, and even indignation, among the people in general, especially among those who could foresee the aim and result of those dangerous counsels. The two most powerful monarchs, they said, in Europe, the one by land, the other by sea, have, contrary to the faith of solemn treaties, combined to exterminate an illustrious republic: what a dismal prospect does their success afford to the neighbours of the one, and to the subjects of the other? Charles had formed the triple league, in order to restrain the power of France: a sure proof that he does not now err from ignorance. He had courted and obtained the applauses of his people by that wise measure: as he now adopts contrary counsels, he must surely expect by their means to render himself independent of his people, whose sentiments are become so indifferent to him. During the entire submission of the nation, and dutiful behaviour of the Parliament, dangerous projects, without provocation, are formed to reduce them to subjection; and all the foreign interests of the peopled are sacrificed, in order the more surely to bereave them of their domestic liberties. Lest any instance of freedom should remain within their view, the United Provinces, the real barrier of England, must be abandoned to the most dangerous enemy of England; and by an universal combination of tyranny against laws and liberty, all mankind, who have retained, in any degree, their precious, though hitherto precarious, birthrights, are for ever to submit to slavery and injustice.

Though the fear of giving umbrage to his confederate had engaged Charles to treat the Dutch ambassadors with such rigour, he was not altogether without uneasiness, on account of the rapid and unexpected progress of the French arms. Were Holland entirely conquered, its whole commerce and naval force, he perceived, must become an accession to France; the Spanish Low Countries must soon follow; and Lewis, now independent of his ally, would no longer think it his interest to support him against his discontented subjects. Charles, though he never carried his intention to very distant consequences, could not but foresee these obvious events; and, though incapable of envy or jealousy, he was touched with anxiety, when he found every thing yield to the French arms, while such vigorous resistance was made to his own. He soon dismissed the Dutch ambassadors, lest they should cabal among his subjects, who bore them great favour; but he sent over Buckingham and Arlington, and soon after Lord Halifax, to negotiate anew with the French king, in the present prosperous situation of that monarch's affairs.

These ministers passed through Holland; and, as they were supposed to bring peace to the distressed republic, they were every where received with the loudest acclamations. "God bless the King of England! God bless the Prince of Orange! Confusion to the states!" This was every where the cry of the populace. The ambassadors had several conferences with the states and the Prince of Orange, but made no reasonable advances towards an accommodation. They went to Utrecht, where they renewed the league with Lewis, and agreed, that neither of the kings should make peace with Holland, but by common consent. They next gave in their pretensions, of which the following are the principal articles: that the Dutch should give up the honour of the flag, without the least reserve or limitation; nor should whole fleets, even on the coast of Holland, refuse to strike or lower their topsails to the smallest ship carrying the British flag: that all persons guilty of treason against the king, or of writing seditious libels, should, on complaint, be banished for ever the dominions of the states: that the Dutch should pay the king a million sterling towards the charges of the war, together with ten thousand pounds a year, for permission to fish on the British seas: that they should share the Indian trade with the English: that the Prince of Orange and his descendants should enjoy the sovereignty of the United Provinces; at least, that they should be invested with the dignities of stadtholder, admiral, and general, in as ample a manner as had ever been enjoyed by any of his ancestors: and that the isle of Walcheren, the city and castle of Sluis, together with the isles of Cadsant, Gorée, and Voorn, should be put into the king's hands, as a security for the performance of articles.

The terms proposed by Lewis bereaved the republic

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of all security against any invasion by land from France: those demanded by Charles exposed them equally to an invasion by sea from England; and when both were united, they appeared absolutely intolerable, and reduced the Hollanders, who saw no means of defence, to the utmost despair. What extremely augmented their distress, were the violent factions with which they continued to be every where agitated. De Wit, too pertinacious in defence of his own system of liberty, while the very being of the commonwealth was threatened, still persevered in opposing the repeal of the perpetual edict, now become the object of horror to the Dutch populace. Their rage at last broke all bounds, and bore every thing before it. They rose in an insurrection at Dort, and by force constrained their burgomasters to sign the repeal, so much demanded. This proved a signal of a general revolt throughout all the provinces.

30th June.

Prince of Orange stadtholder.

At Amsterdam, the Hague, Middlebourg, Rotterdam, the people flew to arms, and trampling under foot the authority of their magistrates, obliged them to submit to the Prince of Orange. They expelled from their office such as displeased them: they required the prince to appoint others in their place: and, agreeably to the proceedings of the populace in all ages, provided they might wreak their vengeance on their superiors, they expressed great indifference for the protection of their civil liberties.

The superior talents and virtues of De Wit made him, on this occasion, the chief object of envy, and exposed him to the utmost rage of popular prejudice. Four assassins, actuated by no other motive than mistaken zeal, had assaulted him in the streets, and after giving him many wounds, had left him for dead. One of them was punished: the others were never questioned for the crime. His brother, Cornelius, who had behaved with prudence and courage on board the fleet, was obliged by sickness to come ashore; and he was now confined to his house at Dort. Some assassins broke in upon him; and it was with the utmost difficulty that his family and servants could repel their violence. At Amsterdam, the house of the brave De Ruyter, the sole resource of the distressed commonwealth, was surrounded by the enraged populace; and his wife and children were for some time exposed to the most imminent danger.

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One Tichelaer, a barber, a man noted for infamy, accused Cornelius De Wit of endeavouring by bribes to engage him in the design of poisoning the Prince of Orange. The accusation, though attended with the most improbable and even absurd circumstances, was greedily received by the credulous multitude; and Cornelius was cited before a court of judicature. The judges, either blinded by the same prejudices, or not daring to oppose the popular torrent, condemned him to suffer the question. This man, who had bravely served his country in war, and who had been invested with the highest dignities, was delivered into the hands of the executioner, and torn in pieces by the most inhuman torments. Amidst the severe agonies which he endured, he still made protestations of his innocence, and frequently repeated an ode of Horace, which contained sentiments suited to his deplorable condition:

Justum et tenacem propositi virum, &c.[k]

The judges, however, condemned him to lose his offices, and to be banished the commonwealth. The pensionary, who had not been terrified from performing the part of a kind brother and faithful friend during this prosecution, resolved not to desert him on account of the unmerited infamy which was endeavoured to be thrown upon him. He came to his brother's prison, determined to accompany him to the place of his exile. The signal was given to the populace. They rose in arms: they broke open the doors of the prison; they pulled out the two brothers; and a thousand hands vied who should first be imbrued in their blood. Even their death did not satiate the brutal rage of the multitude. They exercised on the dead bodies of those virtuous citizens indignities too shocking to be recited; and till tired with their own fury, they permitted not the friends of the deceased to approach, or to bestow on them the honours of a funeral, silent and unattended.

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[k] Which may be thus translated:

The man, whose mind, on virtue bent,
Pursues some greatly good intent,
With undiverted aim,
Serene beholds the angry crowd;
Nor can their clamours, fierce and loud,
His stubborn honour tame.

Not the proud tyrant's fiercest threat,
Nor storms, that from their dark retreat
The lawless surges wake;
Not Jove's dread bolt that shakes the pole,
The firmer purpose of his soul
With all its power can shake.

Should Nature's frame in ruins fall,
And Chaos o'er the sinking ball
Resume primæval sway,
His courage chance and fate defies,
Nor feels the wreck of earth and skies
Obstruct its destined way. BLACKLOCKE.

Massacre of the De Wits.

The massacre of the De Wits put an end for the time to the remains of their party; and all men, from fear, inclination, or prudence, concurred in expressing the most implicit obedience to the Prince of Orange. The republic, though half subdued by foreign force, and as yet dismayed by its misfortunes, was now firmly united under one leader, and began to collect the remains of its pristine vigour. William, worthy of that heroic family from which he sprang, adopted sentiments becoming the head of a brave and free people. He bent all his efforts against the public enemy; he sought not against his country any advantages which might be dangerous to civil liberty. Those intolerable conditions demanded by their insolent enemies, he exhorted the states to reject with scorn; and by his advice they put an end to negotiations, which served only to break the courage of their fellow-citizens, and delay the assistance of their allies. He showed them that the numbers and riches of the people, aided by the advantages of situation, would still be sufficient, if they abandoned not themselves to despair, to resist, at least retard, the progress of their enemies, and preserve the remaining provinces, till the other nations of Europe, sensible of the common danger, could come to their relief. He represented, that as envy at their opulence and liberty had produced this mighty combination against them, they would in vain expect by concessions to satisfy foes, whose pretensions were as little bounded by moderation as by justice. He exhorted them to remember the generous valour of their ancestors, who yet in the

Good conduct of the prince.

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infancy of the state preferred liberty to every human consideration; and rousing their spirits to an obstinate defence, repelled all the power, riches, and military discipline of Spain. And he professed himself willing to tread in the steps of his illustrious predecessors, and hoped, that as they had honoured him with the same affection which their ancestors paid to the former princes of Orange, they would second his efforts with the same constancy and manly fortitude.

The spirit of the young prince infused itself into his hearers. Those who lately entertained thoughts of yielding their necks to subjection were now bravely determined to resist the haughty victor, and to defend those last remains of their native soil, of which neither the irruptions of Lewis, nor the inundation of waters, had as yet bereaved them. Should even the ground fail them on which they might combat, they were still resolved not to yield the generous strife; but, flying to their settlements in the Indies, erect a new empire in those remote regions, and preserve alive, even in the climates of slavery, that liberty of which Europe was become unworthy. Already they concerted measures for executing this extraordinary resolution; and found that the vessels contained in their harbours could transport above two hundred thousand inhabitants to the East Indies.

The combined princes, finding at last some appearance of opposition, bent all their efforts to seduce the Prince of Orange, on whose valour and conduct the fate of the commonwealth entirely depended. The sovereignty of the province of Holland was offered him, and the protection of England and France, to ensure him as well against the invasion of foreign enemies, as the insurrection of his subjects. All proposals were generously rejected, and the prince declared his resolution to retire into Germany, and to pass his life in hunting on his lands there, rather than abandon the liberty of his country, or betray the trust reposed in him. When Buckingham urged the inevitable destruction which hung over the United Provinces, and asked him, whether he did not see that the commonwealth was ruined? *There is one certain means*, replied the prince, *by which I can be sure* *never to see my country's ruin; I will die in the last ditch.*

1672. The people in Holland had been much incited to espouse the prince's party, by the hopes that the King of England, pleased with his nephew's elevation, would abandon those dangerous engagements into which he had entered, and would afford his protection to the distressed republic. But all these hopes were soon found to be fallacious. Charles still persisted in his alliance with France; and the combined fleets approached the coast of Holland, with an English army on board, commanded by Count Schomberg. It is pretended that an unusual tide carried them off the coast; and that Providence thus interposed, in an extraordinary manner, to save the republic from the imminent danger to which it was exposed. Very tempestuous weather, it is certain, prevailed all the rest of the season; and the combined fleets either were blown to a distance, or durst not approach a coast which might prove fatal to them. Lewis, finding that his enemies gathered courage behind their inundations, and that no farther success was likely for the present to attend his arms, had retired to Versailles.

The other nations of Europe regarded the subjection of Holland as the forerunner of their own slavery, and retained no hopes of defending themselves, should such a mighty accession be made to the already exorbitant power of France. The emperor, though he lay at a distance, and was naturally slow in his undertakings, began to put himself in motion; Brandenburgh showed a disposition to support the states; Spain had sent some forces to their assistance; and by the present efforts of the Prince of Orange, and the prospect of relief from their allies, a different face of affairs began already to appear. Groninghen was the first place that stopped the progress of the enemy: the Bishop of Munster was repulsed from before that town, and obliged to raise the siege with loss and dishonour. Naerden was attempted by the Prince of Orange; but Mareschal Luxembourg, breaking in upon his intrenchments, with a sudden irruption, obliged him to abandon the enterprise.

1673. There was no ally on whom the Dutch more relied for assistance than the Parliament of England, which the king's necessities at last obliged him to assemble. The eyes of all men, both abroad and at home, were fixed on this session, which met after prorogations continued for near two years. It was evident how much the king dreaded the assembling of his Parliament; and the discontents universally excited by the bold measures entered into, both in foreign and domestic administration, had given but too just foundation for his apprehensions.

1673. 4th Feb. A Parliament.

The king, however, in his speech, addressed them with all the appearance of cordiality and confidence. He said, that he would have assembled them sooner, had he not been desirous to allow them leisure for attending their private affairs, as well as to give his people respite from taxes and impositions: that, since their last meeting, he had been forced into a war, not only just but necessary; necessary both for the honour and interest of the nation: that in order to have peace at home, while he had war abroad, he had issued his declaration of indulgence to dissenters, and had found many good effects to result from that measure: that he heard of some exceptions which had been taken to this exercise of power; but he would tell them plainly, that he was resolved to stick to his declaration, and would be much offended at any contradiction: and that though a rumour had been spread, as if the new levied army had been intended to control law and property, he regarded that jealousy as so frivolous, that he was resolved to augment his forces next spring, and did not doubt but they would consider the necessity of them in their supplies. The rest of the business he left to the chancellor.

The chancellor enlarged on the same topics, and added many extraordinary positions of his own. He told them, that the Hollanders were the common enemies of all monarchies, especially that of England, their only competitor for commerce and naval power, and the sole obstacle to their views of attaining an universal empire, as extensive as that of ancient Rome: that, even during their present distress and danger, they were so intoxicated with these ambitious projects, as to slight all treaty, nay, to refuse all cessation of hostilities: that the king, in entering on this war, did no more than prosecute

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those maxims which had engaged the Parliament to advise and approve of the last; and he might therefore safely say, that *it was their war:* that the states being the eternal enemies of England, both by interest and inclination, the Parliament had wisely judged it necessary to extirpate them, and had laid it down as an eternal maxim, that *delenda est Carthago*, this hostile government by all means is to be subverted: and that though the Dutch pretended to have assurances that the Parliament would furnish no supplies to the king, he was confident that this hope, in which they extremely trusted, would soon fail them.

Before the Commons entered upon business, there lay before them an affair, which discovered, beyond a possibility of doubt, the arbitrary projects of the king; and the measures taken upon it proved that the House was not at present in a disposition to submit to them. It had been the constant undisputed practice, ever since the Parliament in 1604, for the House, in case of any vacancy, to issue out writs for new elections; and the chancellor, who, before that time, had had some precedents in his favour, had ever afterwards abstained from all exercise of that authority. This indeed was one of the first steps which the Commons had taken in establishing and guarding their privileges; and nothing could be more requisite than this precaution, in order to prevent the clandestine issuing of writs, and to ensure a fair and free election. No one but so desperate a minister as Shaftesbury, who had entered into a regular plan for reducing the people to subjection, could have entertained thoughts of breaking in upon a practice so reasonable and so well established, or could have hoped to succeed in so bold an enterprise. Several members had taken their seats upon irregular writs issued by the chancellor; but the House was no sooner assembled, and the speaker placed in the chair, than a motion was made against them; and the members themselves had the modesty to withdraw. Their election was declared null; and new writs, in the usual form, were issued by the speaker.

The next step taken by the Commons had the appearance of some more complaisance, but in reality proceeded from the same spirit of liberty and independence. They entered a resolution, that, in order to supply his majesty's extraordinary occasions, for that was the expression employed, they would grant eighteen months' assessment, at the rate of seventy thousand pounds a month, amounting in the whole to one million two hundred and sixty thousand pounds. Though unwilling to come to a violent breach with the king, they would not express the least approbation of the war; and they gave him the prospect of this supply, only that they might have permission to proceed peaceably in the redress of the other grievances, of which they had such reason to complain.

No grievance was more alarming, both on account of the secret views from which it proceeded, and the consequences which might attend it, than the declaration of indulgence. A remonstrance was immediately framed against that exercise of prerogative. The king defended his measure. The Commons persisted in their opposition to it; and they represented that such a practice, if admitted, might tend to interrupt the free course of the laws, and alter the legislative power, which had always been acknowledged to reside in the king and the two Houses. All men were in expectation with regard to the issue of this extraordinary affair. The king seemed engaged in honour to support his measure; and in order to prevent all opposition, he had positively declared that he would support it. The Commons were obliged to persevere, not only because it was dishonourable to be foiled where they could plead such strong reasons, but also because, if the king prevailed in his pretensions, an end seemed to be put to all the legal limitations of the constitution.

It is evident that Charles was now come to that delicate crisis which he ought at first to have foreseen, when he embraced those desperate counsels; and his resolutions, in such an event, ought long ago to have been entirely fixed and determined. Besides his usual guards, he had an army encamped at Blackheath, under the command of Mareschal Schomberg, a foreigner; and many of the officers were of the Catholic religion. His ally, the French king, he might expect, would second him, if force became requisite for restraining his discontented subjects, and supporting the measures which, by common consent, they had agreed to pursue. But the king was startled, when he approached so dangerous a precipice as that which lay before him. Were violence once offered, there could be no return, he saw, to mutual confidence and trust with his people; the perils attending foreign succours, especially from so mighty a prince, were sufficiently apparent; and the success which his own arms had met with in the war was not so great as to increase his authority, or terrify the malecontents from opposition. The desire of power, likewise, which had engaged Charles in these precipitate measures, had less proceeded, we may observe, from ambition, than from love of ease. Strict limitations of the constitution rendered the conduct of business complicated and troublesome; and it was impossible for him, without much contrivance and intrigue, to procure the money necessary for his pleasures, or even for the regular support of government. When the prospect, therefore, of such dangerous opposition presented itself, the same love of ease inclined him to retract what it seemed so difficult to maintain; and his turn of mind, naturally pliant and careless, made him find little objection to a measure which a more haughty prince would have embraced with the utmost reluctance. That he might yield with the better grace, he asked the opinion of the House of Peers, who advised him to comply with the Commons. Accordingly the king sent for the declaration, and with his own hands broke the seals. The Commons expressed the utmost satisfaction with this measure, and the most entire duty to his majesty. Charles assured them that he would willingly pass any law offered him, which might tend to give them satisfaction in all their just grievances.

Declaration of indulgence recalled:

Shaftesbury, when he found the king recede at once from so capital a point, which he had publicly declared his resolution to maintain, concluded that all schemes for enlarging royal authority were vanished, and that Charles was utterly incapable of pursuing such difficult and such hazardous measures. The Parliament, he foresaw, might push their inquiries into those counsels, which were so generally odious; and the king, from the same facility of disposition, might abandon his ministers to their vengeance. He resolved, therefore to make his peace in time with that party which was likely to predominate, and to atone for all his violences in favour of monarchy, by like violences in opposition to it. Never turn was more sudden or less calculated to save appearances. Immediately, he entered into all the cabals of the country party; and discovered to them, perhaps magnified, the arbitrary designs of the court, in which he himself had borne so deep a share. He was received with open arms by that party, who stood in need of so able a leader; and no questions were asked with regard to his late apostasy. The various factions into which the nation had been divided, and the many sudden revolutions to which the public had been exposed, had tended much to debauch the minds of men, and to destroy the sense of honour and decorum in their public conduct.

But the Parliament, though satisfied with the king's compliance, had not lost all those apprehensions, to which the measures of the court had given so much foundation. A law passed for imposing a test on all who should enjoy any public office. Besides taking the oaths of allegiance and supremacy, and receiving the sacrament in the established church, they were obliged to abjure all belief in the doctrine of transubstantiation. As the dissenters had seconded the efforts of the Commons against the king's declaration of indulgence, and seemed resolute to accept of no toleration in any illegal manner, they had acquired great favour with the Parliament; and a project was adopted to unite the whole Protestant interest against the common enemy, who now began to appear formidable. A bill passed the Commons for the ease and relief of the Protestant nonconformists; but met with some difficulties, at least delays, in the House of Peers.

The resolution for supply was carried into a law, as a recompense to the king for his concessions. An act, likewise, of general pardon and indemnity was passed, which screened the ministers from all farther inquiry. The Parliament probably thought, that the best method of reclaiming the criminals was to show them that their case was not desperate. Even the remonstrance, which the Commons voted, of their grievances, may be regarded as a proof, that their anger was, for the time, somewhat appeased. None of the capital points are there touched on; the breach of the triple league, the French alliance, or the shutting up of the exchequer. The sole grievances mentioned are, an arbitrary imposition on coals for providing convoys, the exercise of martial law, the quartering and pressing of soldiers; and they prayed that, after the conclusion of the war, the whole army should be disbanded. The king gave them a gracious, though an evasive, answer. When business was finished, the two Houses adjourned themselves.

29th Mar.

Though the king had receded from his declaration of indulgence, and thereby had tacitly relinquished the dispensing power, he was still resolved, notwithstanding his bad success both at home and abroad, to persevere in his alliance with France, and in the Dutch war, and consequently in all those secret views, whatever they were, which depended on those fatal measures. The money, granted by Parliament, sufficed to equip a fleet, of which Prince Rupert was declared admiral: for the duke was set aside by the test. Sir Edward Sprague and the Earl of Ossory commanded under the prince. A French squadron joined them, commanded by D'Etrées. The combined fleets set sail towards the coast of Holland, and found the enemy, lying at anchor, within the sands at Schonvelt. There is a natural confusion attending sea-fights, even beyond other military transactions, derived from the precarious operations of winds and tides, as well as from the smoke and darkness in which every thing is there involved. No wonder, therefore, that accounts of those battles are apt to contain uncertainties and contradictions; especially when delivered by writers of the hostile nations, who take pleasure in exalting the advantages of their own countrymen, and depressing those of the enemy. All we can say with certainty of this battle is, that both sides boasted of the victory; and we may thence infer, that the event was not decisive. The Dutch, being near home, retired into their harbours. In a week they were refitted, and presented themselves again to the combined fleets. A new action ensued, not more decisive than the foregoing. It was not fought with great obstinacy on either side; but whether the Dutch or the allies first retired, seems to be a matter of uncertainty. The

28th May. Sea-fight.

4th June. Another sea-fight.

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loss in the former of these actions fell chiefly on the French, whom the English, diffident of their intentions, took care to place under their own squadrons; and they thereby exposed them to all the fire of the enemy. There seems not to have been a ship lost on either side in the second engagement.

It was sufficient glory to De Ruyter, that, with a fleet much inferior to the combined squadrons of France and England, he could fight them without any notable disadvantage; and it was sufficient victory, that he could defeat the project of a descent in Zealand, which, had it taken place, had endangered, in the present circumstances, the total overthrow of the Dutch commonwealth. Prince Rupert was also suspected not to favour the king's projects for subduing Holland, or enlarging his authority at home; and from these motives, he was thought not to have pressed so hard on the enemy, as his well-known valour gave reason to expect. It is indeed remarkable, that, during this war, though the English, with their allies, much overmatched the Hollanders, they were not able to gain any advantage over them; while in the former war, though often overborne by numbers, they still exerted themselves with the greatest courage, and always acquired great renown, sometimes even signal victories. But they were disgusted at the present measures, which they deemed pernicious to their country; they were not satisfied in the justice of the quarrel; and they entertained a perpetual jealousy of their confederates, whom, had they been permitted, they would, with much more pleasure, have destroyed than even the enemy themselves.

If Prince Rupert was not favourable to the designs of the court, he enjoyed as little favour from the court, at least from the duke, who, though he could no longer command the fleet, still possessed the chief authority in the admiralty. The prince complained of a total want of every thing, powder, shot, provisions, beer, and even water; and he went into harbour, that he might refit his ships, and supply their numerous necessities. After some weeks he was refitted, and he again put to sea. The hostile fleets met at the mouth of the Texel, and fought the last battle, which, during the course of so many years,

11th Aug. Another sea-fight.

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these neighbouring maritime powers have disputed with each other. De Ruyter, and under him Tromp, commanded the Dutch in this action, as in the two former: for the Prince of Orange had reconciled these gallant rivals; and they retained nothing of their former animosity, except that emulation, which made them exert themselves with more distinguished bravery against the enemies of their country. Brankert was opposed to D'Etrées, De Ruyter to Prince Rupert, Tromp to Sprague. It is to be remarked, that in all actions these brave admirals last mentioned had still selected each other as the only antagonists worthy each other's valour; and no decisive advantage had as yet been gained by either of them. They fought in this battle as if there were no mean between death and victory.

D'Etrées and all the French squadron, except Rear-admiral Martel, kept at a distance, and Brankert, instead of attacking them, bore down to the assistance of De Ruyter, who was engaged in furious combat with Prince Rupert. On no occasion did the prince acquire more deserved honour: his conduct, as well as valour, shone out with signal lustre. Having disengaged his squadron from the numerous enemies with whom he was every where surrounded, and having joined Sir John Chichley, his rear-admiral, who had been separated from him, he made haste to the relief of Sprague, who was hard pressed by Tromp's squadron. The Royal Prince, in which Sprague first engaged, was so disabled, that he was obliged to hoist his flag on board the St. George; while Tromp was for a like reason obliged to quit his ship, the Golden Lion, and go on board the Comet. The fight was renewed with the utmost fury by these valorous rivals, and by the rear-admirals, their seconds. Ossory, rear-admiral to Sprague, was preparing to board Tromp, when he saw the St. George terribly torn, and in a manner disabled. Sprague was leaving her, in order to hoist his flag on board a third ship, and return to the charge; when a shot, which had passed through the St. George, took his boat, and sunk her. The admiral was drowned, to the great regret of Tromp himself, who bestowed on his valour the deserved praises.

Prince Rupert found affairs in this dangerous situation, and saw most of the ships in Sprague's squadron disabled from fight. The engagement however was renewed, and became very close and bloody. The prince threw the enemy into disorder. To increase it, he sent among them two fire-ships; and at the same time made a signal to the French to bear down; which, if they had done, a decisive victory must have ensued; but the prince, when he saw that they neglected his signal, and observed that most of his ships were in no condition to keep the sea long, wisely provided for their safety by making easy sail towards the English coast. The victory in this battle was as doubtful, as in all the actions fought during the present war.

The turn which the affairs of the Hollanders took by land was more favourable. The Prince of Orange besieged and took Naerden; and from this success gave his country reason to hope for still more prosperous enterprises. Montecuculi, who commanded the imperialists on the Upper Rhine, deceived, by the most artful conduct, the vigilance and penetration of Turenne, and making a sudden march, set down before Bonne. The Prince of Orange's conduct was no less masterly; while he eluded all the French generals, and leaving them behind him, joined his army to that of the imperialists. Bonne was taken in a few days: several other places in the electorate of Cologn fell into the hands of the allies: and the communication being thus cut off between France and the United Provinces, Lewis was obliged to recall his forces, and to abandon all his conquests with greater rapidity than he had at first made them. The taking of Maestricht was the only advantage which he gained this campaign.

Congress of Cologn.

A congress was opened at Cologn, under the mediation of Sweden; but with small hopes of success. The demands of the two kings were such as must have reduced the Hollanders to perpetual servitude. In proportion as the affairs of the states rose, the kings sunk in their demands; but the states still sunk lower in their offers; and it was found impossible for the parties ever to agree on any conditions. After the French evacuated Holland, the congress broke up; and the seizure of Prince William of Furstenburgh by the im-

1673.

perialists afforded the French and English a good pretence for leaving Cologn. The Dutch ambassadors, in their memorials, expressed all the haughtiness and disdain, so natural to a free state, which had met with such unmerited ill usage.

20th Oct. A Parliament.

The Parliament of England was now assembled, and discovered much greater symptoms of ill humour than had appeared in the last session. They had seen for some time a negotiation of marriage carried on between the Duke of York and the Archduchess of Inspruc, a Catholic of the Austrian family; and they had made no opposition. But when that negotiation failed, and the duke applied to a princess of the house of Modena, then in close alliance with France; this circumstance, joined to so many other grounds of discontent, raised the Commons into a flame, and they remonstrated with the greatest zeal against the intended marriage. The king told them, that their remonstrance came too late; and that the marriage was already agreed on, and even celebrated by proxy. The Commons still insisted; and proceeding to the examination of the other parts of government, they voted the standing army a grievance, and declared, that they would grant no more supply, unless it appeared, that the Dutch were so obstinate as to refuse all reasonable conditions of peace. To cut short these disagreeable attacks, the king resolved to prorogue the Parliament; and with that intention he came unexpectedly to the House of Peers, and sent the usher to summon the Commons. It happened that the speaker and the usher nearly met at the door of the House; but the speaker being within, some of the members suddenly shut the door, and cried, *To the chair, to the chair;* while others cried, *The black rod is at the door.* The speaker was hurried to the chair; and the following motions were instantly made: that the alliance with France is a grievance; that the evil counsellors about the king are a grievance; that the Duke of Lauderdale is a grievance, and not fit to be trusted or employed. There was a general cry, *To the question, to the question:* but the usher knocking violently at the door, the speaker leaped from the chair, and the House rose in great confusion.

4th Nov.

1673.

During the interval, Shaftesbury, whose intrigues with the malecontent party were now become notorious, was dismissed from the office of chancellor; and the great seal was given to Sir Heneage Finch, by the title of lord-keeper. The test had incapacitated Clifford; and the white staff was conferred on Sir Thomas Osborne, soon after created Earl of Danby, a minister of abilities, who had risen by his parliamentary talents. Clifford retired into the country, and soon after died.

1674. 7th Feb.

The Parliament had been prorogued, in order to give the duke leisure to finish his marriage; but the king's necessities soon obliged him again to assemble them; and by some popular acts he paved the way for the session. But all his efforts were in vain. The disgust of the Commons was fixed in foundations too deep to be easily removed. They began with applications for a general fast; by which they intimated that the nation was in a very calamitous condition: they addressed against the king's guards, which they represented as dangerous to liberty, and even as illegal, since they never had yet received the sanction of Parliament: they took some steps towards establishing a new and more rigorous test against popery: and, what chiefly alarmed the court, they made an attack on the members of the cabal, to whose pernicious counsels they imputed all their present grievances. Clifford was dead; Shaftesbury had made his peace with the country party, and was become their leader: Buckingham was endeavouring to imitate Shaftesbury; but his intentions were as yet known to very few. A motion was therefore made in the House of Commons for his impeachment: he desired to be heard at the bar; but expressed himself in so confused and ambiguous a manner, as gave little satisfaction. He was required to answer precisely to certain queries which they proposed to him. These regarded all the articles of misconduct above mentioned; and, among the rest, the following query seems remarkable: "By whose advice was the army brought up to overawe the debates and resolutions of the House of Commons?"—This shows to what length the suspicions of the House were at that time carried. Buckingham, in all his answers, endeavoured to exculpate himself, and to load Arlington. He succeeded not

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in the former intention: the Commons voted an address for his removal. But Arlington, who was on many accounts obnoxious to the House, was attacked. Articles were drawn up against him, though the impeachment was never prosecuted.

The king plainly saw that he could expect no supply from the Commons for carrying on a war so odious to them. He resolved, therefore, to make a separate peace with the Dutch, on the terms which they had proposed, through the channel of the Spanish ambassador. With a cordiality which, in the present disposition on both sides, was probably but affected, but which was obliging, he asked advice of the Parliament. The Parliament unanimously concurred, both in thanks for his gracious condescension, and in their advice for peace. Peace was accordingly concluded. The honour of the flag was yielded by the Dutch in the most extensive terms: a regulation of trade was agreed to: all possessions were restored to the same condition as before the war: the English planters in Surinam were allowed to remove at pleasure: and the states agreed to pay to the king the sum of eight hundred thousand patacoons, near three hundred thousand pounds. Four days after the Parliament was prorogued, the peace was proclaimed in London, to the great joy of the people. Spain had declared that she could no longer remain neuter, if hostilities were continued against Holland; and a sensible decay of trade was foreseen, in case a rupture should ensue with that kingdom. The prospect of this loss contributed very much to increase the national aversion to the present war, and to enliven the joy for its conclusion.

Peace with Holland.

28th Feb.

There was in the French service a great body of English, to the number of ten thousand men, who had acquired honour in every action, and had greatly contributed to the successes of Lewis. These troops, Charles said, he was bound by treaty not to recall; but he obliged himself to the states by a secret article, not to allow them to be recruited. His partiality to France prevented a strict execution of this engagement.

CHAPTER LXVI.

SCHEMES OF THE CABAL.—REMONSTRANCES OF SIR WILLIAM TEMPLE.—CAMPAIGN OF 1674.—A PARLIAMENT.—PASSIVE OBEDIENCE.—A PARLIAMENT.—CAMPAIGN OF 1675.—CONGRESS OF NIMEGUEN.—CAMPAIGN OF 1676.—UNCERTAIN CONDUCT OF THE KING.—A PARLIAMENT.—CAMPAIGN OF 1677.—PARLIAMENT'S DISTRUST OF THE KING.—MARRIAGE OF THE PRINCE OF ORANGE WITH THE LADY MARY.—PLAN OF PEACE.—NEGOTIATIONS.—CAMPAIGN OF 1678.—NEGOTIATIONS.—PEACE OF NIMEGUEN.—STATE OF AFFAIRS IN SCOTLAND.

Schemes of the cabal.

IF we consider the projects of the famous cabal, it will appear hard to determine whether the end which those ministers pursued were more blamable and pernicious, or the means by which they were to effect it more impolitic and imprudent. Though they might talk only of recovering or fixing the king's authority, their intention could be no other than that of making him absolute: since it was not possible to regain nor maintain, in opposition to the people, any of those powers of the crown abolished by late law or custom, without subduing the people, and rendering the royal prerogative entirely uncontrollable. Against such a scheme they might foresee that every part of the nation would declare themselves, not only the old parliamentary faction, which, though they kept not in a body, were still numerous; but even the greatest royalists, who were indeed attached to monarchy, but desired to see it limited and restrained by law. It had appeared, that the present Parliament, though elected during the greatest prevalence of the royal party, was yet tenacious of popular privileges, and retained a considerable jealousy of the crown, even before they had received any just ground of suspicion. The guards, therefore, together with a small army, new levied and undisciplined, and composed too of Englishmen, were almost the only domestic resources which the king could depend on in the prosecution of these dangerous counsels.

The assistance of the French king was, no doubt, deemed, by the cabal, a considerable support in the schemes which they were forming; but it is not easily conceived, that they could imagine themselves capable of directing and employing an associate of so domineering a character. They ought justly to have suspected that it would be the sole intention of Lewis, as it evidently was his interest, to raise incurable jealousies between the king and his people; and that he saw how much a steady uniform government in this island, whether free or absolute, would form invincible barriers to his ambition. Should his assistance be demanded; if he sent a small supply, it would serve only to enrage the people, and render the breach altogether irreparable; if he furnished a great force, sufficient to subdue the nation, there was little reason to trust his generosity, with regard to the use which he would make of this advantage.

In all its other parts, the plan of the cabal, it must be confessed, appears equally absurd and incongruous. If the war with Holland were attended with great success, and involved the subjection of the republic; such an accession of force must fall to Lewis, not to Charles: and what hopes afterwards of resisting by the greatest unanimity so mighty a monarch! how dangerous, or rather how ruinous, to depend upon his assistance against domestic discontents! If the Dutch, by their own vigour, and the assistance of allies, were able to defend themselves, and could bring the war to an equality, the French arms would be so employed abroad, that no considerable reinforcement could thence be expected to second the king's enterprises in England. And might not the project of overawing or subduing the people be esteemed, of itself, sufficiently odious, without the aggravation of sacrificing that state, which they regarded as their best ally, and with which, on many accounts, they were desirous of maintaining the greatest concord and strictest confederacy?

Whatever views might likewise be entertained of promoting by these measures the Catholic religion; they could only tend to render all the other schemes abortive, and make them fall with inevitable ruin upon the projectors. The Catholic religion, indeed, where it is established, is better fitted than the Protestant for supporting an absolute monarchy; but would any man have thought of it as the means of acquiring arbitrary authority in

England, where it was more detested than even slavery itself?

1674.

It must be allowed, that the difficulties, and even inconsistencies, attending the schemes of the cabal, are so numerous and obvious, that one feels at first an inclination to deny the reality of those schemes, and to suppose them entirely the chimeras of calumny and faction. But the utter impossibility of accounting, by any other hypothesis, for those strange measures embraced by the court, as well as for the numerous circumstances which accompanied them, obliges us to acknowledge (though there remains no direct evidence of it [a]) that a formal plan was

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[a] Since the publication of this History, the author has had occasion to see the most direct and positive evidence of this conspiracy. From the urbanity and candour of the principal of the Scotch college at Paris, he was admitted to peruse James the Second's Memoirs, kept there. They amount to several volumes of small folio, all writ with that prince's own hand, and comprehending the remarkable incidents of his life, from his early youth till near the time of his death. His account of the French alliance is as follows: the intention of the king and duke was chiefly to change the religion of England, which they deemed an easy undertaking, because of the great propensity, as they imagined, of the cavaliers and church party to popery: the treaty with Lewis was concluded at Versailles in the end of 1669, or beginning of 1670, by Lord Arundel of Wardour, whom no historian mentions as having had any hand in these transactions. The purport of it was, that Lewis was to give Charles two hundred thousand pounds a year, in quarterly payments, in order to enable him to settle the Catholic religion in England; and he was also to supply him with an army of six thousand men in case of any insurrection. When that work was finished, England was to join with France in making war upon Holland. In case of success, Lewis was to have the inland provinces; the Prince of Orange, Holland in sovereignty; and Charles, Sluys, the Brille, Walcheren, with the rest of the sea-ports as far as Maesland Sluys. The king's project was first to effect the change of religion in England; but the Duchess of Orleans, in the interview at Dover, persuaded him to begin with the Dutch war, contrary to the remonstrances of the Duke of York, who insisted that Lewis, after serving his own purposes, would no longer trouble himself about England. The duke makes no mention of any design to render the king absolute; but that was, no doubt, implied in the other project, which was to be effected entirely by royal authority. The king was so zealous a papist, that he wept for joy when he saw the prospect of re-uniting his kingdom to the Catholic church.

Sir John Dalrymple has since published some other curious particulars with regard to this treaty. We find that it was concerted and signed with the privity alone of four popish counsellors of the king's, Arlington, Arundel, Clifford, and Sir Richard Bealing. The secret was kept from Buckingham, Ashley, and Lauderdale. In order to engage them to take part in it, a very refined and a very mean artifice was fallen upon by the king. After the secret conclusion and signature of the treaty, the king pretended to these three ministers, that he wished to have a treaty of alliance with France for mutual support, and for a Dutch war; and when various pretended obstacles and difficulties were surmounted, a sham treaty was concluded with their consent and approbation, containing every article of the former real treaty, except that of the king's change of religion. However, there was virtually involved, even in this treaty, the assuming of absolute government in England: for the support of French troops, and a war with Holland, so contrary to the interests and inclinations of his people, could mean nothing else. One cannot sufficiently admire the absolute want of common sense, which appears throughout the whole of this criminal transaction. For if popery was so much the object of national horror, that even the king's three ministers, Buckingham, Ashley, and Lauderdale, and such profligate ones too, either would not or durst not receive it,

1674.

laid for changing the religion, and subverting the constitution of England, and that the king and the ministry were in reality conspirators against the people. What is most probable in human affairs is not always true; and a very minute circumstance, overlooked in our speculations, serves often to explain events, which may seem the most surprising and unaccountable. Though the king possessed penetration and a sound judgment, his capacity was chiefly fitted for smaller matters [b], and the ordinary occurrences of life; nor had he application enough to carry his view to distant consequences, or to digest and adjust any plan of political operations. As he scarcely ever thought twice on any one subject, every appearance of advantage was apt to seduce him; and when he found his way obstructed by unlooked-for difficulties, he readily turned aside into the first path, where he expected more to gratify the natural indolence of his disposition. To this versatility or pliancy of genius, he himself was inclined to trust; and he thought, that after trying an experiment for enlarging his authority, and altering the national religion, he could easily, if it failed, return into the ordinary channel of government. But the suspicions of the people, though they burst not forth at once, were by this attempt rendered altogether incurable; and the more they reflected on the circumstances attending it, the more resentment and jealousy were they apt to entertain. They observed, that the king never had any favourite; that he was never governed by his ministers, scarcely even by his mistresses, and that he himself was the chief spring of all public counsels. Whatever appearance, therefore, of a change might be assumed, they still suspected, that the same project was secretly in agitation; and they deemed no precaution too great to secure them against the pernicious consequences of such measures.

The king, sensible of this jealousy, was inclined thenceforth not to trust his people, of whom he had even before

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what hopes could he entertain of forcing the nation into that communion? Considering the state of the kingdom, full of veteran and zealous soldiers, bred during the civil wars, it is probable that he had not kept the crown two months after a declaration so wild and extravagant. This was probably the reason why the King of France and the French ministers always dissuaded him from taking off the mask, till the successes of the Dutch war should render that measure prudent and practicable.

[b] Duke of Buckingham's character of King Charles II.

entertained a great diffidence; and, though obliged to make a separate peace, he still kept up connexions with the French monarch. He apologized for deserting his ally, by representing to him all the real undissembled difficulties under which he laboured; and Lewis, with the greatest complaisance and good humour, admitted the validity of his excuses. The duke likewise, conscious that his principles and conduct had rendered him still more obnoxious to the people, maintained on his own account a separate correspondence with the French court, and entered into particular connexions with Lewis, which these princes dignified with the name of friendship. The duke had only in view to secure his succession, and favour the Catholics; and it must be acknowledged to his praise, that though his schemes were, in some particulars, dangerous to the people, they gave the king no just ground of jealousy. A dutiful subject, and an affectionate brother, he knew no other rule of conduct than obedience; and the same unlimited submission, which afterwards, when king, he exacted of his people, he was ever willing, before he ascended the throne, to pay to his sovereign.

As the king was at peace with all the world, and almost the only prince in Europe placed in that agreeable situation, he thought proper to offer his mediation to the contending powers, in order to compose their differences. France, willing to negotiate under so favourable a mediator, readily accepted of Charles's offer; but it was apprehended, that, for a like reason, the allies would be inclined to refuse it. In order to give a sanction to his new measures, the king invited Temple from his retreat, and appointed him ambassador to the states. That wise minister, reflecting on the unhappy issue of his former undertakings, and the fatal turn of counsels which had occasioned it, resolved, before he embarked anew, to acquaint himself, as far as possible, with the real intentions of the king, in those popular measures which he seemed again to have adopted. After blaming the dangerous schemes of the cabal, which Charles was desirous to excuse, he told his majesty very plainly, that he would find it extremely difficult, if not absolutely impossible, to introduce into England the same system of government and religion which was established in France: that the

Remonstrances of Sir W. Temple.

universal bent of the nation was against both; and it required ages to change the genius and sentiments of a people: that many, who were at bottom indifferent in matters of religion, would yet oppose all alterations on that head; because they considered that nothing but force of arms could subdue the reluctance of the people against popery; after which they knew there could be no security for civil liberty: that in France, every circumstance had long been adjusted to that system of government, and tended to its establishment and support: that the commonalty, being poor and dispirited, were of no account; the nobility, engaged by the prospect or possession of numerous offices, civil and military, were entirely attached to the court; the ecclesiastics, retained by like motives, added the sanction of religion to the principles of civil policy: that in England a great part of the landed property belonged either to the yeomanry or middling gentry; the king had few offices to bestow; and could not himself even subsist, much less maintain an army, except by the voluntary supplies of his Parliament: that if he had an army on foot, yet if composed of Englishmen, they would never be prevailed on to promote ends which the people so much feared and hated: that the Roman Catholics in England were not the hundredth part of the nation, and in Scotland not the two-hundredth; and it seemed against all common sense to hope, by one part, to govern ninety-nine, who were of contrary sentiments and dispositions; and that foreign troops, if few, would tend only to inflame hatred and discontent; and how to raise and bring over at once, or to maintain many, it was very difficult to imagine. To these reasonings Temple added the authority of Gourville, a Frenchman, for whom he knew the king had entertained a great esteem. "A king of England," said Gourville, "who will be *the man of his people*, is the greatest king in the world: but if he will be any thing more, he is nothing at all." The king heard, at first, this discourse with some impatience; but being a dexterous dissembler, he seemed moved at last, and, laying his hand on Temple's, said, with an appearing cordiality, "And I will be the man of my people."

Temple, when he went abroad, soon found that the scheme of mediating a peace was likely to prove abortive. The allies, besides their jealousy of the king's mediation, expressed a great ardour for the continuance of war. Holland had stipulated with Spain never to come to an accommodation, till all things in Flanders were restored to the condition in which they had been left by the Pyrenean treaty. The emperor had high pretensions in Alsace; and as the greater part of the empire joined in the alliance, it was hoped that France, so much overmatched in force, would soon be obliged to submit to the terms demanded of her. The Dutch, indeed, oppressed by heavy taxes, as well as checked in their commerce, were desirous of peace; and had few or no claims of their own to retard it: but they could not, in gratitude, or even in good policy, abandon allies to whose protection they had so lately been indebted for their safety. The Prince of Orange likewise, who had great influence in their councils, was all on fire for military fame, and was well pleased to be at the head of armies, from which such mighty successes were expected. Under various pretences, he eluded, during the whole campaign, the meeting with Temple; and after the troops were sent into winter quarters, he told that minister, in his first audience, that till greater impression were made on France, reasonable terms could not be hoped for; and it were therefore vain to negotiate.

Campaign of 1674.

The success of the campaign had not answered expectation. The Prince of Orange, with a superior army, was opposed in Flanders to the Prince of Condé, and had hoped to penetrate into France by that quarter, where the frontier was then very feeble. After long endeavouring, though in vain, to bring Condé to a battle, he rashly exposed, at Seneffe, a wing of his army; and that active prince failed not at once to see and to seize the advantage. But this imprudence of the Prince of Orange was amply compensated by his behaviour in that obstinate and bloody action which ensued. He rallied his dismayed troops; he led them to the charge; he pushed the veteran and martial troops of France; and he obliged the Prince of Condé, notwithstanding his age and character, to exert greater efforts, and to risk his person more than in any action, where, even during the heat of youth, he had ever

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commanded. After sunset, the action was continued by the light of the moon; and it was darkness at last, not the weariness of the combatants, which put an end to the contest, and left the victory undecided. "The Prince of Orange," said Condé, with candour and generosity, "has acted in every thing like an old captain, except venturing his life too like a young soldier." Oudenarde was afterwards invested by the Prince of Orange; but he was obliged, by the imperial and Spanish generals, to raise the siege on the approach of the enemy. He afterwards besieged and took Grave; and at the beginning of winter, the allied armies broke up, with great discontents and complaints on all sides.

The allies were not more successful in other places. Lewis, in a few weeks, reconquered Franche Comté. In Alsace, Turenne displayed, against a much superior enemy, all that military skill, which had long rendered him the most renowned captain of his age and nation. By a sudden and forced march, he attacked and beat at Sintzheim the Duke of Lorrain, and Caprara, general of the imperialists. Seventy thousand Germans poured into Alsace, and took up their quarters in that province. Turenne, who had retired into Lorrain, returned unexpectedly upon them. He attacked and defeated a body of the enemy at Mulhausen. He chased from Colmar the Elector of Brandenburgh, who commanded the German troops. He gained a new advantage at Turkheim; and having dislodged all the allies, he obliged them to repass the Rhine, full of shame for their multiplied defeats, and still more of anger and complaints against each other.

In England all these events were considered by the people with great anxiety and concern; though the king and his ministers affected great indifference with regard to them. Considerable alterations were about this time made in the English ministry. Buckingham was dismissed, who had long, by his wit and entertaining humour, possessed the king's favour. Arlington, now chamberlain, and Danby, the treasurer, possessed chiefly the king's confidence. Great hatred and jealousy took place between these ministers; and public affairs were somewhat disturbed by their quarrels. But Danby daily gained ground with his master: and Arlington declined in the same pro-

1674.

portion. Danby was a frugal minister; and, by his application and industry, he brought the revenue into tolerable order. He endeavoured so to conduct himself as to give offence to no party; and the consequence was, that he was able entirely to please none. He was a declared enemy to the French alliance; but never possessed authority enough to overcome the prepossessions which the king and the duke retained towards it. It must be ascribed to the prevalence of that interest, aided by money remitted from Paris, that the Parliament was assembled so late this year; lest they should attempt to engage the king in measures against France, during the ensuing campaign. They met not till the approach of summer[c].

1675. April 13.

A Parliament.

Every step taken by the Commons discovered that ill-humour and jealousy to which the late open measures of the king, and his present secret attachments, gave but too just foundation. They drew up a new bill against popery, and resolved to insert in it many severe clauses for the detection and prosecution of priests. They presented addresses a second time against Lauderdale; and when the king's answer was not satisfactory, they seemed still determined to persevere in their applications. An accusation was moved against Danby; but, upon examining the several articles, it was not found to contain any just reasons of a prosecution; and was therefore dropped. They applied to the king for recalling his troops from the French service; and as he only promised that they should not be recruited, they appeared to be much dissatisfied with the answer. A bill was brought in, making it treason to levy money without authority of Parliament: another, vacating the seats of such members as accepted of offices: another, to secure the personal liberty of the subject, and to prevent sending any person prisoner beyond sea.

Passive obedience.

That the court party might not be idle during these attacks, a bill for a new test was introduced into the House of Peers by the Earl of Lindsey. All members of either House, and all who possessed any office, were by

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[c] This year, on the 25th of March, died Henry Cromwell, second son of the protector, in the forty-seventh year of his age. He had lived unmolested in a private station, ever since the king's restoration, which he rather favoured than opposed.

1675.

this bill required to swear, that it was not lawful, upon any pretence whatsoever, to take arms against the king; that they abhorred the traitorous position of taking arms by his authority against his person, or against those who were commissioned by him; and that they will not at any time endeavour the alteration of the Protestant religion, or of the established government either in church or state.

Great opposition was made to this bill; as might be expected from the present disposition of the nation. During seventeen days the debates were carried on with much zeal; and all the reason and learning of both parties were displayed on the occasion. The question, indeed, with regard to resistance, was a point which entered into the controversies of the old parties, cavalier and roundhead; as it made an essential part of the present disputes between court and country. Few neuters were found in the nation: but among such as could maintain a calm indifference, there prevailed sentiments wide of those which were adopted by either party. Such persons thought, that all general, speculative declarations of the legislature, either for or against resistance, were equally impolitic, and could serve to no other purpose, than to signalize in their turn the triumph of one faction over another: that the simplicity retained in the ancient laws of England, as well as in the laws of every other country, ought still to be preserved, and was best calculated to prevent the extremes on either side: that the absolute exclusion of resistance, in all possible cases, was founded on *false* principles: its express admission might be attended with *dangerous* consequences; and there was no necessity for exposing the public to either inconvenience: that if a choice must necessarily be made in the case, the preference of utility to truth in public institutions was apparent; nor could the supposition of resistance beforehand, and in general terms, be safely admitted in any government: that even in mixed monarchies, where that supposition seemed most requisite, it was yet entirely superfluous; since no man, on the approach of extraordinary necessity, could be at a loss, though not directed by legal declarations, to find the proper remedy: that even those who might, at a distance, and by scholastic reasoning, exclude all resistance, would yet hearken to the voice of nature; when evident ruin, both to themselves and to the public, must attend a strict adherence to their pretended principles: that the question, as it ought thus to be entirely excluded from all determinations of the legislature, was, even among private reasoners, somewhat frivolous, and little better than a dispute of words: that the one party could not pretend that resistance ought ever to become a familiar practice; the other would surely have recourse to it in great extremities: and thus the difference could only turn on the degrees of danger or oppression, which would warrant this irregular remedy: a difference, which, in a general question, it was impossible, by any language, precisely to fix or determine.

There were many other absurdities in this test, particularly that of binding men by oath not to alter the government either in church or state; since all human institutions are liable to abuse, and require continual amendments, which are, in reality, so many alterations. It is not indeed possible to make a law which does not innovate, more or less, in the government. These difficulties produced such obstructions to the bill, that it was carried only by two voices in the House of Peers. All the popish lords, headed by the Earl of Bristol, voted against it. It was sent down to the House of Commons, where it was likely to undergo a scrutiny still more severe.

But a quarrel, which happened between the two Houses, prevented the passing of every bill projected during the present session. One Dr. Shirley, being cast in a lawsuit before chancery against Sir John Fag, a member of the House of Commons, preferred a petition of appeal to the House of Peers. The Lords received it, and summoned Fag to appear before them. He complained to the Lower House, who espoused his cause. They not only maintained, that no member of their House could be summoned before the Peers: they also asserted, that the Upper House could receive no appeals from any court of equity; a pretension which extremely retrenched the jurisdiction of the Peers, and which was contrary to the practice that had prevailed during this

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whole century. The Commons sent Shirley to prison; the Lords assert their powers. Conferences are tried; but no accommodation ensues. Four lawyers are sent to the Tower by the Commons, for transgressing the orders of the House, and pleading in this cause before the Peers. The Peers denominate this arbitrary commitment a breach of the great charter, and order the lieutenant of the Tower to release the prisoners: he declines obedience: they apply to the king, and desire him to punish the lieutenant for his contempt. The king summons both Houses; exhorts them to unanimity; and informs them that the present quarrel had arisen from the contrivance of his and their enemies, who expected by that means to force a dissolution of the Parliament: his advice has no effect: the Commons continue as violent as ever; and the king, finding that no business could be finished, at last prorogued the Parliament.

8th June.

Oct. 13.
A Parliament.

When the Parliament was again assembled, there appeared not in any respect a change in the dispositions of either House. The king desired supplies, as well for the building of ships, as for taking off anticipations which lay upon his revenue. He even confessed, that he had not been altogether so frugal as he might have been, and as he resolved to be for the future; though he asserted, that, to his great satisfaction, he had found his expenses by no means so exorbitant as some had represented them. The Commons took into consideration the subject of supply. They voted three hundred thousand pounds for the building of ships; but they appropriated the sum by very strict clauses. They passed a resolution not to grant any supply for taking off the anticipations of the revenue[d]. This vote was carried, in a full House, by a majority of four only; so nearly were the parties balanced. The quarrel was revived, to which Dr. Shirley's cause had given occasion. The proceedings of the Commons discovered the same violence as during the last session. A motion was made in the House of Peers, but rejected, for addressing the king to dissolve the present Parliament.

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[d] Several historians have affirmed, that the Commons found, this session, upon inquiry, that the king's revenue was 1,600,000 pounds a year, and that the necessary expense was but 700,000 pounds; and have appealed to the Journals for a proof. But there is not the least appearance of this in the Journals; and the fact is impossible.

1675. Nov. 22.

The king contented himself with proroguing them to a very long term. Whether these quarrels between the Houses arose from contrivance or accident was not certainly known. Each party might, according to their different views, esteem themselves either gainers or losers by them. The court might desire to obstruct all attacks from the Commons, by giving them other employment. The country party might desire the dissolution of a Parliament, which, notwithstanding all disgusts, still contained too many royalists, ever to serve all the purposes of the malecontents.

Soon after the prorogation, there passed an incident, which in itself is trivial, but tends strongly to mark the genius of the English government, and of Charles's administration during this period. The liberty of the constitution, and the variety as well as violence of the parties, had begotten a propensity for political conversation; and as the coffee-houses in particular were the scenes where the conduct of the king and the ministry was canvassed with great freedom, a proclamation was issued to suppress these places of rendezvous. Such an act of power, during former reigns, would have been grounded entirely on the prerogative; and before the accession of the house of Stuart, no scruple would have been entertained with regard to that exercise of authority. But Charles, finding doubts to arise upon his proclamation, had recourse to the judges, who supplied him with a chicane, and that too a frivolous one, by which he might justify his proceedings. The law, which settled the excise, enacted, that licences for retailing liquors might be refused to such as could not find security for payment of the duties. But coffee was not a liquor subjected to excise; and even this power of refusing licences was very limited, and could not reasonably be extended beyond the intention of the act. The king, therefore, observing the people to be much dissatisfied, yielded to a petition of the coffee-men, who promised for the future to restrain all seditious discourse in their houses; and the proclamation was recalled.

Campaign of 1675.

This campaign proved more fortunate to the confederates than any other during the whole war. The French took the field in Flanders with a numerous army; and

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Lewis himself served as a volunteer under the Prince of Condé. But, notwithstanding his great preparations, he could gain no advantages but the taking of Huy and Limbourg, places of small consequence. The Prince of Orange, with a considerable army, opposed him in all his motions; and neither side was willing, without a visible advantage, to hazard a general action, which might be attended either with the entire loss of Flanders on the one hand, or the invasion of France on the other. Lewis, tired of so inactive a campaign, returned to Versailles; and the whole summer passed in the Low Countries without any memorable event.

Turenne commanded on the Upper Rhine, in opposition to his great rival Montecuculi, general of the imperialists. The object of the latter was to pass the Rhine, to penetrate into Alsace, Lorraine, or Burgundy, and to fix his quarters in these provinces: the aim of the former was to guard the French frontiers, and to disappoint all the schemes of his enemy. The most consummate skill was displayed on both sides; and if any superiority appeared in Turenne's conduct, it was chiefly ascribed to his greater vigour of body, by which he was enabled to inspect all the posts in person, and could on the spot take the justest measures for the execution of his designs. By posting himself on the German side of the Rhine, he not only kept Montecuculi from passing that river: he had also laid his plan in so masterly a manner, that, in a few days, he must have obliged the Germans to decamp, and have gained a considerable advantage over them; when a period was put to his life, by a random shot, which struck him on the breast as he was taking a view of the enemy. The consternation of his army was inexpressible. The French troops, who, a moment before, were assured of victory, now considered themselves as entirely vanquished; and the Germans, who would have been glad to compound for a safe retreat, expected no less than the total destruction of their enemy. But De Lorges, nephew to Turenne, succeeded him in the command, and possessed a great share of the genius and capacity of his predecessor. By his skilful operations the French were enabled to repass the Rhine without considerable loss; and this retreat was deemed equally glorious

1675.

with the greatest victory. The valour of the English troops, who were placed in the rear, greatly contributed to save the French army. They had been seized with the same passion as the native troops of France for their brave general, and fought with ardour to revenge his death on the Germans. The Duke of Marlborough, then Captain Churchill, here learned the rudiments of that art, which he afterwards practised with such fatal success against France.

The Prince of Condé left the army in Flanders under the command of Luxembourg; and carrying with him a considerable reinforcement, succeeded to Turenne's command. He defended Alsace from the Germans, who had passed the Rhine, and invaded that province. He obliged them first to raise the siege of Hagenau, then that of Saberne. He eluded all their attempts to bring him to a battle; and, having dexterously prevented them from establishing themselves in Alsace, he forced them, notwithstanding their superiority of numbers, to repass the Rhine, and to take up their winter-quarters in their own country.

After the death of Turenne, a detachment of the German army was sent to the siege of Treves: an enterprise in which the imperialists, the Spaniards, the Palatine, the Duke of Lorraine, and many other princes, passionately concurred. The project was well concerted, and executed with vigour. Mareschal Crequi, on the other hand, collected an army, and advanced with a view of forcing the Germans to raise the siege. They left a detachment to guard their lines, and, under the command of the Dukes of Zell and Osnaburgh, marched in quest of the enemy. At Consarbric, they fell unexpectedly, and with superior numbers, on Crequi, and put him to rout. He escaped with four attendants only; and, throwing himself into Treves, resolved, by a vigorous defence, to make atonement for his former error or misfortune. The garrison was brave, but not abandoned to that total despair by which their governor was actuated. They mutinied against his obstinacy; capitulated for themselves; and, because he refused to sign the capitulation, they delivered him a prisoner into the hands of the enemy.

1675. It is remarkable that this defeat, given to Crequi, is almost the only one which the French received at land, from Rocroi to Blenheim, during the course of above sixty years; and these too full of bloody wars against potent and martial enemies: their victories almost equal the number of years during that period. Such was the vigour and good conduct of that monarchy! And such too were the resources and refined policy of the other European nations, by which they were enabled to repair their losses, and still to confine that mighty power nearly within its ancient limits! A fifth part of these victories would have sufficed, in another period, to have given to France the empire of Europe.

The Swedes had been engaged, by the payment of large subsidies, to take part with Lewis, and invade the territories of the Elector of Brandenburgh in Pomerania. That elector, joined by some imperialists from Silesia, fell upon them with bravery and success. He soon obliged them to evacuate his part of that country, and he pursued them into their own. He had an interview with the King of Denmark, who had now joined the confederates, and resolved to declare war against Sweden. These princes concerted measures for pushing the victory.

To all these misfortunes against foreign enemies were added some domestic insurrections of the common people, in Guienne and Britany. Though soon suppressed, they divided the force and attention of Lewis. The only advantage gained by the French was at sea. Messina in Sicily had revolted; and a fleet under the Duke de Vivonne was despatched to support the rebels. The Dutch had sent a squadron to assist the Spaniards. A battle ensued, where De Ruyter was killed. This event alone was thought equivalent to a victory. 1676.

The French, who, twelve years before, had scarcely a ship of war in any of their harbours, had raised themselves, by means of perseverance and policy, to be in their present force, though not in their resources, the first maritime power in Europe. The Dutch, while in alliance with them against England, had supplied them with several vessels, and had taught them the rudiments of the difficult art of ship-building. The English next, when in alliance with them against Holland, instructed them in the method of fighting their ships, and of preserving order in naval engagements. Lewis availed himself of every opportunity to aggrandize his people, while Charles, sunk in indolence and pleasure, neglected all the noble arts of government; or if at any time he roused himself from his lethargy, that industry, by reason of the unhappy projects which he embraced, was often more pernicious to the public than his inactivity itself. He was as anxious to promote the naval power of France, as if the safety of his crown had depended on it; and many of the plans executed in that kingdom were first, it is said[e], digested and corrected by him.

Congress of Nimeguen.

The successes of the allies had been considerable the last campaign; but the Spaniards and imperialists well knew that France was not yet sufficiently broken, nor willing to submit to the terms which they resolved to impose upon her. Though they could not refuse the king's mediation, and Nimeguen, after many difficulties, was at last fixed on as the place of congress; yet, under one pretence or other, they still delayed sending their ambassadors, and no progress was made in the negotiation. Lord Berkeley, Sir William Temple, and Sir Lionel Jenkins, were the English ministers at Nimeguen. The Dutch, who were impatient for peace, soon appeared: Lewis, who hoped to divide the allies, and who knew that he himself could neither be seduced nor forced into a disadvantageous peace, sent ambassadors. The Swedes, who hoped to recover by treaty what they had lost by arms, were also forward to negotiate. But as these powers could not proceed of themselves to settle terms, the congress, hitherto, served merely as an amusement to the public.

Campaign of 1676.

It was by the events of the campaign, not the conferences among the negotiators, that the articles of peace were to be determined. The Spanish towns, ill fortified, and worse defended, made but a feeble resistance to Lewis, who, by laying up magazines during the winter, was able to take the field early in the spring, before the forage could be found in the open country. In the month of April he laid siege to Condé, and took it by

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[e] Welwood. Burnet. Coke.

1676. storm in four days. Having sent the Duke of Orleans to besiege Bouchaine, a small but important fortress, he posted himself so advantageously with his main army, as to hinder the confederates from relieving it, or fighting without disadvantage. The Prince of Orange, in spite of the difficulties of the season, and the want of provisions, came in sight of the French army; but his industry served to no other purpose than to render him spectator of the surrender of Bouchaine. Both armies stood in awe of each other, and were unwilling to hazard an action, which might be attended with the most important consequences. Lewis, though he wanted not personal courage, was little enterprising in the field; and being resolved this campaign to rest contented with the advantages which he had so early obtained, he thought proper to entrust his army to Mareschal Schomberg, and retired himself to Versailles. After his departure, the Prince of Orange laid siege to Maestricht; but meeting with an obstinate resistance, he was obliged, on the approach of Schomberg, who in the mean time had taken Aire, to raise the siege. He was incapable of yielding to adversity, or bending under misfortune: but he began to foresee, that by the negligence and errors of his allies, the war in Flanders must necessarily have a very unfortunate issue.

On the Upper Rhine, Philipsbourg was taken by the imperialists. In Pomerania, the Swedes were so unsuccessful against the Danes and Brandenburghers, that they seemed to be losing apace all those possessions which, with so much valour and good fortune, they had acquired in Germany.

About the beginning of winter, the congress of Nimeguen was pretty full, and the plenipotentiaries of the emperor and Spain, two powers strictly conjoined by blood and alliance, at last appeared. The Dutch had threatened, if they absented themselves any longer, to proceed to a separate treaty with France. In the conferences and negotiations, the disposition of the parties became every day more apparent.

1677. The Hollanders, loaded with debts and harassed with taxes, were desirous of putting an end to a war in which, besides the disadvantages attending all leagues, the weakness of the Spaniards, the divisions and delays of the

Germans, prognosticated nothing but disgrace and misfortune. Their commerce languished; and, what gave them still greater anxiety, the commerce of England, by reason of her neutrality, flourished extremely; and they were apprehensive lest advantages, once lost, would never thoroughly be regained. They had themselves no farther motive for continuing the war, than to secure a good frontier to Flanders; but gratitude to their allies still engaged them to try whether another campaign might procure a peace which would give general satisfaction. The Prince of Orange, urged by motives of honour, of ambition, and of animosity against France, endeavoured to keep them steady to this resolution.

The Spaniards, not to mention the other incurable weaknesses into which their monarchy was fallen, were distracted with domestic dissensions between the parties of the queen-regent and Don John, natural brother to their young sovereign. Though unable of themselves to defend Flanders, they were resolute not to conclude a peace, which would leave it exposed to every assault or inroad; and while they made the most magnificent promises to the states, their real trust was in the protection of England. They saw that, if that small but important territory were once subdued by France, the Hollanders, exposed to so terrible a power, would fall into dependence, and would endeavour, by submissions, to ward off that destruction to which a war, in the heart of their state, must necessarily expose them. They believed that Lewis, sensible how much greater advantages he might reap from the alliance than from the subjection of the republic, which must scatter its people and depress its commerce, would be satisfied with very moderate conditions, and would turn his enterprises against his other neighbours. They thought it impossible but the people and Parliament of England, foreseeing these obvious consequences, must at last force the king to take part in the affairs of the continent, in which their interests were so deeply concerned. And they trusted, that even the king himself, on the approach of so great a danger, must open his eyes, and sacrifice his prejudices in favour of France, to the safety of his own dominions.

But Charles here found himself entangled in such

1677.
Uncertain conduct of the king.

opposite motives and engagements, as he had not resolution enough to break, or patience to unravel. On the one hand, he always regarded his alliance with France as a sure resource, in case of any commotions among his own subjects; and whatever schemes he might still retain for enlarging his authority, or altering the established religion, it was from that quarter alone he could expect assistance. He had actually in secret sold his neutrality to France, and he received remittances of a million of livres a year, which was afterwards increased to two millions; a considerable supply in the present embarrassed state of his revenue. And he dreaded lest the Parliament should treat him as they had formerly done his father; and after they had engaged him in a war on the continent, should take advantage of his necessities, and make him purchase supplies by sacrificing his prerogative and abandoning his ministers.

On the other hand, the cries of his people and Parliament, seconded by Danby, Arlington, and most of his ministers, incited him to take part with the allies, and to correct the unequal balance of power in Europe. He might apprehend danger from opposing such earnest desires: he might hope for large supplies if he concurred with them: and however inglorious and indolent his disposition, the renown of acting as arbiter of Europe would probably, at intervals, rouse him from his lethargy, and move him to support the high character with which he stood invested.

It is worthy of observation that, during this period, the king was, by every one, abroad and at home, by France and by the allies, allowed to be the undisputed arbiter of Europe; and no terms of peace, which he would have prescribed, could have been refused by either party. Though France afterwards found means to resist the same alliance, joined with England; yet was she then obliged to make such violent efforts as quite exhausted her; and it was the utmost necessity which pushed her to find resources, far surpassing her own expectations. Charles was sensible that, so long as the war continued abroad, he should never enjoy ease at home, from the impatience and importunity of his subjects; yet could he not resolve to impose a peace by openly joining himself with either party. Terms advantageous to the allies must lose him the friendship of France: the contrary would enrage his Parliament. Between these views he perpetually fluctuated; and from his conduct it is observable, that a careless remiss disposition, agitated by opposite motives, is capable of as great inconsistencies as are incident even to the greatest imbecility and folly.

15th Feb. A Parliament.

The Parliament was assembled; and the king made them a plausible speech, in which he warned them against all differences among themselves; expressed a resolution to do his part for bringing their consultations to a happy issue; and offered his consent to any laws for the farther security of their religion, liberty, and property. He then told them of the decayed condition of the navy; and asked money for repairing it: he informed them, that part of his revenue, the additional excise, was soon to expire: and he added these words, "You may at any time see the yearly established expense of the government, by which it will appear, that, the constant and unavoidable charge being paid, there will remain no overplus towards answering those contingencies, which may happen in all kingdoms, and which have been a considerable burden on me this last year."

Before the Parliament entered upon business, they were stopped by a doubt concerning the legality of their meeting. It had been enacted, by an old law of Edward III., "that Parliaments should be held once every year, or oftener, if need be." The last prorogation had been longer than a year; and being supposed on that account illegal, it was pretended to be equivalent to a dissolution. The consequence seems by no means just; and besides, a later act, that which repealed the triennial law, had determined, that it was necessary to hold Parliaments only once in three years. Such weight, however, was put on this cavil, that Buckingham, Shaftesbury, Salisbury, and Wharton, insisted strenuously in the House of Peers on the invalidity of the Parliament, and the nullity of all its future acts. For such dangerous positions they were sent to the Tower, there to remain during the pleasure of his majesty and the House. Buckingham, Salisbury, and Wharton, made submissions, and were soon after released; but Shaftesbury, more

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obstinate in his temper, and desirous of distinguishing himself by his adherence to liberty, sought the remedy of law; and being rejected by the judges, he was at last, after a twelvemonth's imprisonment, obliged to make the same submissions; upon which he was also released.

The Commons at first seemed to proceed with temper. They granted the sum of five hundred and eighty-six thousand pounds for building thirty ships; though they strictly appropriated the money to that service. Estimates were given in of the expense; but it was afterwards found that they fell short near one hundred thousand pounds. They also voted, agreeably to the king's request, the continuance of the additional excise for three years. This excise had been granted for nine years in 1668. Every thing seemed to promise a peaceable and an easy session.

Campaign of 1677.

But the Parliament was roused from this tranquillity by the news received from abroad. The French king had taken the field in the middle of February, and laid siege to Valenciennes, which he carried in a few days by storm. He next invested both Cambray and St. Omer's. The Prince of Orange, alarmed with his progress, hastily assembled an army, and marched to the relief of St. Omer's. He was encountered by the French under the Duke of Orleans and Mareschal Luxembourg. The prince possessed great talents for war; courage, activity, vigilance, patience; but still he was inferior in genius to those consummate generals opposed to him by Lewis; and though he always found means to repair his losses, and to make head in a little time against the victors, he was during his whole life unsuccessful. By a masterly movement of Luxembourg, he was here defeated, and obliged to retreat to Ypres. Cambray and St. Omer's were soon after surrendered to Lewis.

This success, derived from such great power and such wise conduct, infused a just terror into the English Parliament. They addressed the king, representing the danger to which the kingdom was exposed from the greatness of France, and praying that his majesty, by such alliances as he should think fit, would both secure his own dominions and the Spanish Netherlands, and thereby quiet the fears of his people. The king, desirous

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of eluding this application, which he considered as a kind of attack on his measures, replied, in general terms, that he would use all means for the preservation of Flanders, consistent with the peace and safety of his kingdoms. This answer was an evasion, or rather a denial. The Commons, therefore, thought proper to be more explicit. They entreated him not to defer the entering into such alliances as might attain that great end: and in case war with the French king should be the result of his measures, they promised to grant him all the aids and supplies which would enable him to support the honour and interest of the nation. The king was also more explicit in his reply. He told them, that the only way to prevent danger, was to put him in a condition to make preparations for their security. This message was understood to be a demand of money. The Parliament accordingly empowered the king to borrow on the additional excise two hundred thousand pounds at seven per cent.: a very small sum indeed; but which they deemed sufficient, with the ordinary revenue, to equip a good squadron, and thereby put the nation in security, till farther resolutions should be taken.

But this concession fell far short of the king's expectations. He therefore informed them, that, unless they granted him the sum of six hundred thousand pounds upon new funds, it would not be possible for him, without exposing the nation to manifest danger, *to speak or act those things*, which would answer the end of their several addresses. The House took this message into consideration; but before they came to any resolution, the king sent for them to Whitehall, where he told them, upon the word of a king, that they should not repent any trust which they would repose in him for the safety of his kingdom; that he would not for any consideration break credit with them, or employ their money to other uses than those for which they intended it; but that he would not hazard, either his own safety or theirs, by taking any vigorous measures, or forming new alliances, till he were in a better condition both to defend his subjects and offend his enemies. This speech brought affairs to a short issue. The king required them to trust him with a large sum: he pawned his royal word for their security: they must either run the risk of losing all their money, or fail of those alliances which they had projected, and at the same time declare to all the world the highest distrust of their sovereign.

Parliament's distrust of the king.

But there were many reasons which determined the House of Commons to put no trust in the king. They considered, that the pretence of danger was obviously groundless, while the French were opposed by such powerful alliances on the continent, while the king was master of a good fleet at sea, and while all his subjects were so heartily united in opposition to foreign enemies. That the only justifiable reason, therefore, of Charles's backwardness, was not the apprehension of danger from abroad, but a diffidence, which he might perhaps have entertained of his Parliament; lest after engaging him in foreign alliances for carrying on war, they should take advantage of his necessities, and extort from him concessions dangerous to the royal dignity. That this Parliament, by their past conduct, had given no foundation for such suspicions, and were so far from pursuing any sinister ends, that they had granted supplies for the first Dutch war; for maintaining the triple league, though concluded without their advice; even for carrying on the second Dutch war, which was entered into contrary to their opinion, and contrary to the manifest interests of the nation. That, on the other hand, the king had, by former measures, excited very reasonable jealousies in his people, and did, with a bad grace, require at present their trust and confidence. That he had not scrupled to demand supplies for maintaining the triple league, at the very moment he was concerting measures for breaking it, and had accordingly employed to that purpose the supplies which he had obtained by those delusive pretences. That his union with France, during the war against Holland, must have been founded on projects the most dangerous to his people; and as the same union was still secretly maintained, it might justly be feared that the same projects were not yet entirely abandoned. That he could not seriously intend to prosecute vigorous measures against France; since he had so long remained entirely unconcerned during such obvious dangers; and, till prompted by his Parliament, whose proper business it was not to take the lead in those parts of administration, had suspended all his activity. That if he really meant to enter into a cordial union with his people, he would have taken the first step, and have endeavoured, by putting trust in them, to restore that confidence, which he himself, by his rash conduct, had first violated. That it was in vain to ask so small a sum as six hundred thousand pounds, in order to secure him against the future attempts of the Parliament; since that sum must soon be exhausted by a war with France, and he must again fall into that dependence, which was become, in some degree, essential to the constitution. That if he would form the necessary alliances, that sum or a greater would instantly be voted; nor could there be any reason to dread, that the Parliament would immediately desert measures, in which they were engaged by their honour, their inclination, and the public interest. That the real ground, therefore, of the king's refusal was neither apprehension of danger from foreign enemies, nor jealousy of parliamentary encroachments; but a desire of obtaining the money, which he intended, notwithstanding his royal word, to employ to other purposes; and that by using such dishonourable means to so ignoble an end, he rendered himself still more unworthy the confidence of his people.

The House of Commons was now regularly divided into two parties, the court and the country. Some were enlisted in the court-party by offices, nay, a few by bribes secretly given them; a practice first begun by Clifford, a dangerous minister: but great numbers were attached merely by inclination; so far as they esteemed the measures of the court agreeable to the interests of the nation. Private views and faction had likewise drawn several into the country-party: but there were also many of that party, who had no other object than the public good. These disinterested members on both sides fluctuated between the factions; and gave the superiority sometimes to the court, sometimes to the opposition[f]. In the present emergence, a general distrust of the king prevailed; and the Parliament resolved not to hazard their money in expectation of alliances which, they believed, were never intended to be formed. Instead of granting the supply,

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[f] Temple's Memoirs, vol. i. p. 458.

CHAP. LXVI. 1677. they voted an address, wherein they "besought his majesty to enter into a league, offensive and defensive, with the states-general of the United Provinces, against the growth and power of the French king, and for the preservation of the Spanish Netherlands; and to make such other alliances with the confederates as should appear fit and useful to that end." They supported their advice with reasons; and promised speedy and effectual supplies, for preserving his majesty's honour, and ensuring the safety of the public. The king pretended the highest anger at this address, which he represented as a dangerous encroachment upon his prerogative. He reproved the Commons in severe terms; and ordered them immediately to be adjourned.

8th May. It is certain that this was the critical moment when the king both might with ease have preserved the balance of power in Europe, which it has since cost this island a great expense of blood and treasure to restore, and might by perseverance have at last regained, in some tolerable measure, after all past errors, the confidence of his people. This opportunity being neglected, the wound became incurable; and notwithstanding *his* momentary appearances of vigour against France and popery, and *their* momentary inclinations to rely on his faith; *he* was still believed to be at bottom engaged in the same interest, and *they* soon relapsed into distrust and jealousy. The secret memoirs of this reign, which have since been published[g], prove, beyond a doubt, that the king had, at this time, concerted measures with France, and had no intention to enter into a war in favour of the allies. He had entertained no view, therefore, even when he pawned his ROYAL WORD to his people, than to procure a grant of money; and he trusted that, while he eluded their expectations, he could not afterwards want pretences for palliating his conduct.

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[g] Such as the letters, which passed betwixt Danby and Montague, the king's ambassador at Paris; Temple's Memoirs, and his Letters. In these last, we see that the king never made any proposals of terms but what were advantageous to France, and the Prince of Orange believed them to have always been concerted with the French ambassador. Vol. i. p. 439.

In Sir John Dalrymple's Appendix, p. 103, it appears that the king had signed himself, without the participation of his ministers, a secret treaty with France, and had obtained a pension on the promise of his neutrality: a fact, which renders his *royal word*, solemnly given to his subjects, one of the most dishonourable and most scandalous acts that ever proceeded from a throne.

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Negotiations meanwhile were carried on between France and Holland, and an eventual treaty was concluded; that is, all their differences were adjusted, provided they could afterwards satisfy their allies on both sides. This work, though in appearance difficult, seemed to be extremely forwarded by farther bad successes on the part of the confederates, and by the great impatience of the Hollanders; when a new event happened, which promised a more prosperous issue to the quarrel with France, and revived the hopes of all the English who understood the interests of their country.

The king saw, with regret, the violent discontents which prevailed in the nation, and which seemed every day to augment upon him. Desirous by his natural temper to be easy himself, and to make every body else easy, he sought expedients to appease those murmurs, which, as they were very disagreeable for the present, might, in their consequences, prove extremely dangerous. He knew that, during the late war with Holland, the malecontents at home had made applications to the Prince of Orange; and if he continued still to neglect the prince's interests, and to thwart the inclinations of his own people, he apprehended lest their common complaints should cement a lasting union between them. He saw that the religion of the duke inspired the nation with dismal apprehensions; and though he had obliged his brother to allow the young princesses to be educated in the Protestant faith, something farther, he thought, was necessary, in order to satisfy the nation. He entertained, therefore, proposals for marrying the Prince of Orange to the Lady Mary, the elder princess, and heir apparent to the crown, (for the duke had no male issue,) and he hoped, by so tempting an offer, to engage him entirely in his interests. A peace he purposed to make; such as would satisfy France, and still preserve his connexions with that crown; and he intended to sanctify it, by the approbation of the prince, whom he found to be extremely revered in England, and respected throughout Europe. All the reasons for this alliance were seconded by the solicitations of Danby, and also of Temple, who was at that time in England: and Charles at last granted permission to the prince, when the campaign should be over, to pay him a visit.

1677. 10th Oct.

The king very graciously received his nephew at Newmarket. He would have entered immediately upon business: but the prince desired first to be acquainted with the Lady Mary; and he declared that, contrary to the usual sentiments of persons of his rank, he placed a great part of happiness in domestic satisfaction, and would not, upon any consideration of interest or politics, match himself with a person disagreeable to him. He was introduced to the princess, whom he found in the bloom of youth, and extremely amiable both in her person and her behaviour. The king now thought that he had a double tie upon him, and might safely expect his compliance with every proposal: he was surprised to find the prince decline all discourse of business, and refuse to concert any terms for the general peace, till his marriage should be finished. He foresaw, he said, from the situation of affairs, that his allies were likely to have hard terms; and he never would expose himself to the reproach of having sacrificed their interests to promote his own purposes. Charles still believed, notwithstanding the cold, severe manner of the prince, that he would abate of this rigid punctilio of honour; and he protracted the time, hoping, by his own insinuation and address, as well as by the allurements of love and ambition, to win him to compliance. One day, Temple found the prince in very bad humour, repenting that he had ever come to England, and resolute in a few days to leave it: but before he went, the king, he said, must choose the terms on which they should hereafter live together: he was sure it must be like the greatest friends or the greatest enemies: and he desired Temple to inform his master next morning of these intentions. Charles was struck with this menace, and foresaw how the prince's departure would be interpreted by the people. He resolved, therefore, immediately to yield with a good grace; and having paid a compliment to his nephew's honesty, he told Temple, that the marriage was concluded, and desired him to inform the duke of it, as of an affair already resolved on. The duke seemed surprised, but yielded a prompt obedience; which, he said, was his constant maxim to whatever he found to be the king's pleasure. No measure, during this reign, gave such general satisfaction. All parties strove who should most applaud it: and even Arlington, who had been kept out of the secret, told the prince, "That some things, good in themselves, were spoiled by the manner of doing them, as some things bad were mended by it; but he would confess that this was a thing so good in itself, that the manner of doing it could not spoil it."

23d Oct. Marriage of the Prince of Orange with the Lady Mary.

This marriage was a great surprise to Lewis, who, accustomed to govern every thing in the English court, now found so important a step taken, not only without his consent, but without his knowledge or participation. A conjunction of England with the allies, and a vigorous war in opposition to French ambition, were the consequences immediately expected both abroad and at home: but to check these sanguine hopes, the king, a few days after the marriage, prolonged the adjournment of the Parliament from the third of December, to the fourth of April. This term was too late for granting supplies or making preparations for war; and could be chosen by the king for no other reason, than as an atonement to France for his consent to the marriage. It appears also, that Charles secretly received from Lewis the sum of two millions of livres, on account of this important service[h].

Plan of Peace.

The king, however, entered into consultations with the prince, together with Danby and Temple, concerning the terms which it would be proper to require of France. After some debate, it was agreed, that France should restore Lorraine to the duke; with Tournay, Valenciennes, Condé, Aeth, Charleroi, Courtrai, Oudenarde, and Binche, to Spain, in order to form a good frontier for the Low Countries. The prince insisted that Franche-Comté should likewise be restored, and Charles thought that, because he had patrimonial estates of great value in that province, and deemed his property more secure in the hands of Spain, he was engaged by such views to be obstinate in that point: but the prince declared, that to procure but one good town to the Spaniards in Flanders, he would willingly relinquish all those possessions. As the king still insisted on the impossibility of wresting Franche-Comté from Lewis, the prince was obliged to acquiesce.

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[h] Sir John Dalrymple's Appendix, p. 112.

Notwithstanding this concession to France, the projected peace was favourable to the allies; and it was a sufficient indication of vigour in the king, that he had given his assent to it. He farther agreed to send over a minister instantly to Paris, in order to propose these terms. This minister was to enter into no treaty. He was to allow but two days for the acceptance or refusal of the terms: upon the expiration of these, he was presently to return; and in case of refusal, the king promised to enter immediately into the confederacy. To carry so imperious a message, and so little expected from the English court, Temple was the person pitched on, whose declared aversion to the French interest was not likely to make him fail of vigour and promptitude in the execution of his commission.

But Charles next day felt a relenting in this assumed vigour. Instead of Temple, he despatched the Earl of Feversham, a creature of the duke's, and a Frenchman by birth; and he said, that the message being harsh in itself, it was needless to aggravate it by a disagreeable messenger. The prince left London; and the king, at his departure, assured him, that he never would abate in the least point of the scheme concerted, and would enter into war with Lewis, if he rejected it.

Negotiations.

Lewis received the message with seeming gentleness and complacency. He told Feversham, that the King of England well knew that he might always be master of the peace; but some of the towns in Flanders it seemed very hard to demand, especially Tournay, upon whose fortifications such immense sums had been expended: he would therefore take some short time to consider of an answer. Feversham said, that he was limited to two days' stay: but when that time was elapsed, he was prevailed on to remain some few days longer; and he came away at last without any positive answer. Lewis said, that he hoped his brother would not break with him for one or two towns; and with regard to them, too, he would send orders to his ambassador at London

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to treat with the king himself. Charles was softened by the softness of France; and the blow was thus artfully eluded. The French ambassador, Barillon, owned at last, that he had orders to yield all except Tournay, and even to treat about some equivalent for that fortress, if the king absolutely insisted upon it. The prince was gone who had given spirit to the English court; and the negotiation began to draw out into messages and returns from Paris.

By intervals, however, the king could rouse himself, and show still some firmness and resolution. Finding that affairs were not likely to come to any conclusion with France, he summoned, notwithstanding the long adjournment, the Parliament on the fifteenth of January; an unusual measure, and capable of giving alarm to the French court. Temple was sent for to the council, and the king told him, that he intended he should go to Holland, in order to form a treaty of alliance with the states; and that the purpose of it should be, like the triple league, to force both France and Spain to accept of the terms proposed. Temple was sorry to find this act of vigour qualified by such a regard to France, and by such an appearance of indifference and neutrality between the parties. He told the king, that the resolution agreed on, was to begin the war in conjunction with all the confederates, in case of no direct and immediate answer from France: that this measure would satisfy the prince, the allies, and the people of England; advantages which could not be expected from such an alliance with Holland alone: that France would be disobliged, and Spain likewise; nor would the Dutch be satisfied with such a faint imitation of the triple league, a measure concerted when they were equally at peace with both parties. For these reasons, Temple declined the employment; and Lawrence Hyde, second son of Chancellor Clarendon, was sent in his place.

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The Prince of Orange could not regard without contempt such symptoms of weakness and vigour conjoined in the English councils. He was resolved, however, to make the best of a measure which he did not approve; and as Spain secretly consented that her ally should form a league, which was seemingly directed against her as well as France, but which was to fall only on the latter, 6th Jan.

the states concluded the treaty in the terms proposed by the king.

1678. 28th Jan. Meanwhile the English Parliament met, after some new adjournments; and the king was astonished that, notwithstanding the resolute measures which he thought he had taken, great distrust and jealousy and discontent were apt, at intervals, still to prevail among the members. Though in his speech he had allowed that a good peace could no longer be expected from negotiation, and assured them that he was resolved to enter into a war for that purpose; the Commons did not forbear to insert in their reply several harsh and even unreasonable clauses. Upon his reproving them, they seemed penitent, and voted, that they would assist his majesty in the prosecution of the war. A fleet of ninety sail, an army of thirty thousand men, and a million of money were also voted. Great difficulties were made by the Commons with regard to the army, which the House, judging by past measures, believed to be intended more against the liberties of England, than against the progress of the French monarch. To this perilous situation had the king reduced both himself and the nation. In all debates, severe speeches were made, and were received with seeming approbation: the duke and the treasurer began to be apprehensive of impeachments: many motions against the king's ministers were lost by a small majority: the Commons appointed a day to consider the state of the kingdom with regard to popery; and they even went so far as to vote, that, how urgent soever the occasion, they would lay no farther charge on the people, till secured against the prevalence of the Catholic party. In short, the Parliament was impatient for war whenever the king seemed averse to it; but grew suspicious of some sinister design as soon as he complied with their requests, and seemed to enter into their measures.

The king was enraged at this last vote: he reproached Temple with his popular notions, as he termed them; and asked him how he thought the House of Commons could be trusted for carrying on the war, should it be entered on, when in the very commencement they made such declarations? The uncertainties indeed of Charles's conduct were so multiplied, and the jealousies on both

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sides so incurable, that even those who approached nearest the scene of action could not determine whether the king ever seriously meant to enter into a war, or whether, if he did, the House of Commons would not have taken advantage of his necessities, and made him purchase supplies by a great sacrifice of his authority[i].

The King of France knew how to avail himself of all the advantages which these distractions afforded him. By his emissaries, he represented to the Dutch the imprudence of their depending on England; where an indolent king, averse to all war, especially with France, and irresolute in his measures, was actuated only by the uncertain breath of a factious Parliament. To the aristocratical party, he remarked the danger of the prince's alliance with the royal family of England, and revived their apprehensions, lest, in imitation of his father, who had been honoured with the same alliance, he should violently attempt to enlarge his authority, and enslave his native country. In order to enforce these motives with farther terrors, he himself took the field very early in the spring; and after threatening Luxembourg, Mons, and Namur, he suddenly sat down before Ghent and Ypres, and in a few weeks made himself master of both places. This success gave great alarm to the Hollanders, who were nowise satisfied with the conduct of England, or with the ambiguous treaty lately concluded; and it quickened all their advances towards an accommodation.

Campaign of 1678.

Immediately after the Parliament had voted the supply, the king began to enlist forces; and such was the ardour of the English for a war with France, that an army of above twenty thousand men, to the astonishment of Europe, was completed in a few weeks. Three thousand men, under the Duke of Monmouth, were sent over to secure Ostend: some regiments were recalled from the French service: a fleet was fitted out with great diligence: and a quadruple alliance was projected between England, Holland, Spain, and the emperor.

But these vigorous measures received a sudden damp from a passionate address of the Lower House; in which they justified all their past proceedings that had given disgust to the king; desired to be acquainted with the

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[i] Temple, vol. i. p. 461.

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measures taken by him; prayed him to dismiss evil counsellors; and named in particular the Duke of Lauderdale, on whose removal they strenuously insisted. The king told them, that their address was so extravagant, that he was not willing speedily to give it the answer which it deserved. And he began again to lend an ear to the proposals of Lewis, who offered him great sums of money, if he would consent to France's making an advantageous peace with the allies.

Negotiations.

Temple, though pressed by the king, refused to have any concern in so dishonourable a negotiation: but he informs us, that the king said, there was one article proposed, which so incensed him, that, as long as he lived, he should never forget it. Sir William goes no farther; but the editor of his works, the famous Dr. Swift, says, that the French, before they would agree to any payment, required as a preliminary, that the king should engage never to keep above eight thousand regular troops in Great Britain[k]. Charles broke into a passion. "Cod's fish!" said he, his usual oath; "does my brother of France think to serve me thus? are all his promises to make me absolute master of my people come to this? or does he think *that* a thing to be done with eight thousand men?"

Van Beverning was the Dutch ambassador at Nimeguen, a man of great authority with the states. He was eager for peace, and was persuaded that the reluctance of the king, and the jealousies of the Parliament, would for ever disappoint the allies in their hopes of succour from England. Orders were sent him by the states to go to the French king at Ghent, and to concert the terms of a general treaty, as well as procure a present truce for six weeks. The terms agreed on were much worse for the Spaniards than those which had been planned by the king and the Prince of Orange. Six towns, some of them of no great importance, were to be restored to them: but Ypres, Condé, Valenciennes, and Tournay, in which consisted the chief strength of the frontier, were to remain with France.

Great murmurs arose in England when it was known

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[k] To wit, three thousand men for Scotland, and the usual guards and garrisons in England, amounting to near five thousand men. Sir J. Dalrymple's App. p. 161.

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that Flanders was to be left in so defenceless a condition. The chief complaints were levelled against the king, who, by his concurrence at first, by his favour afterwards, and by his delays at last, had raised the power of France to such an enormous height, that it threatened the general liberties of Europe. Charles, uneasy under these imputations, dreading the consequence of losing the affections of his subjects, and perhaps disgusted with the secret article proposed by France, began to wish heartily for war, which, he hoped, would have restored him to his ancient popularity.

An opportunity unexpectedly offered itself for his displaying these new dispositions. While the ministers at Nimeguen were concerting the terms of a general treaty, the Marquis de Balbaces, the Spanish ambassador, asked the ambassadors of France, at what time France intended to restore the six towns in Flanders. They made no difficulty in declaring that the king, their master, being obliged to see an entire restitution made to the Swedes of all they had lost in the war, could not evacuate these towns till that crown had received satisfaction; and that this detention of places was the only means to induce the powers of the north to accept of the peace.

The states immediately gave the king intelligence of a pretension which might be attended with such dangerous consequences. The king was both surprised and angry. He immediately despatched Temple to concert with the states vigorous measures for opposing France. Temple in six days concluded a treaty by which Lewis was obliged to declare, within sixteen days after the date, that he would presently evacuate the towns: and, in case of his refusal, Holland was bound to continue the war, and England to declare immediately against France, in conjunction with the whole confederacy. 16th July.

All these warlike measures were so ill seconded by the Parliament, where even the French ministers were suspected, with reason[1], of carrying on some intrigues, that the Commons renewed their former jealousies against the king, and voted the army immediately to be disbanded. The king, by a message, represented the danger of disarming before peace were finally concluded; and he recommended to their consideration, whether he could honourably recall his forces from those towns in Flanders, which were put under his protection, and which had at present no other means of defence. The Commons agreed to prolong the term with regard to these forces. Every thing indeed in Europe bore the appearance of war. France had positively declared that she would not evacuate the six towns before the requisite cession was made to Sweden; and her honour seemed now engaged to support that declaration. Spain and the empire, disgusted with the terms of peace imposed by Holland, saw with pleasure the prospect of a powerful support from the new resolutions of Charles. Holland itself, encouraged by the Prince of Orange and his party, was not displeased to find that the war would be renewed on more equal terms. The allied army under that prince was approaching towards Mons, then blockaded by France. A considerable body of English, under the Duke of Monmouth, was ready to join him.

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[1] Sir John Dalrymple, in his Appendix, has given us, from Barillon's despatches in the secretary's office at Paris, a more particular detail of these intrigues. They were carried on with Lord Russel, Lord Hollis, Lord Berkshire, the Duke of Buckingham, Algernon Sydney, Montague, Bulstrode, Colonel Titus, Sir Edward Harley, Sir John Baber, Sir Roger Hill, Boscawen, Littleton, Powle, Harbord, Hambden, Sir Thomas Armstrong, Hotham, Herbert, and some others of less note. Of these, Lord Russel and Lord Hollis alone refused to touch any French money:

Charles usually passed a great part of his time in the women's apartments, particularly those of the Duchess of Portsmouth; where, among other gay company, he often

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all the others received presents or bribes from Barillon. But we are to remark, that the party views of these men, and their well-founded jealousies of the king and duke, engaged them, independently of the money, into the same measures that were suggested to them by the French ambassador. The intrigues of France, therefore, with the Parliament, were a mighty small engine in the political machine. Those with the king, which have always been known, were of infinitely greater consequence. The sums distributed to all these men, excepting Montague, did not exceed sixteen thousand pounds in three years; and therefore could have little weight in the two Houses, especially when opposed to the influence of the crown. Accordingly we find, in all Barillon's despatches, a great anxiety that the Parliament should never be assembled. The conduct of these English patriots was more mean than criminal; and Monsieur Courten says, that two hundred thousand livres employed by the Spaniards and Germans would have more influence than two millions distributed by France. See Sir J. Dalrymple's App. p. 111. It is amusing to observe the general, and I may say national, rage excited by the late discovery of this negotiation; chiefly on account of Algernon Sydney, whom the blind prejudices of party had exalted into a hero. His ingratitude and breach of faith, in applying for the king's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold: yet the former circumstance was always known and always disregarded. But every thing connected with France is supposed, in England, to be polluted beyond all possibility of expiation. Even Lord Russel, whose conduct in this negotiation was only factious, and that in an ordinary degree, is imagined to be dishonoured by the same discovery.

met with Barillon, the French ambassador, a man of polite conversation, who was admitted into all the amusements of that inglorious but agreeable monarch. It was the charms of this sauntering, easy life, which, during his later years, attached Charles to his mistresses. By the insinuations of Barillon, and the Duchess of Portsmouth, an order was, in an unguarded hour, procured, which instantly changed the face of affairs in Europe. One Du Cros, a French fugitive monk, was sent to Temple, directing him to apply to the Swedish ambassador, and persuade him not to insist on the conditions required by France, but to sacrifice to general peace those interests of Sweden. Du Cros, who had secretly received instructions from Barillon, published every where in Holland the commission with which he was entrusted; and all men took the alarm. It was concluded that Charles's sudden alacrity for war was as suddenly extinguished, and that no steady measures could ever be taken with England. The king afterwards, when he saw Temple, treated this important matter in raillery; and said, laughing, that the rogue Du Cros had outwitted them all.

The negotiations, however, at Nimeguen still continued, and the French ambassadors spun out the time, till the morning of the critical day, which, by the late treaty between England and Holland, was to determine whether a sudden peace or a long war were to have place in Christendom. The French ambassadors came then to Van Beverning, and told him, that they had received orders to consent to the evacuation of the towns, and immediately to conclude and sign the peace. Van Beverning might have refused compliance, because it was now impossible to procure the consent and concurrence of Spain; but he had entertained so just an idea of the fluctuations in the English counsels, and was so much alarmed by the late commission given to Du Cros, that he deemed it fortunate for the republic to finish on any terms a dangerous war, where they were likely to be very ill supported. The papers were instantly drawn, and signed by the ministers of France and Holland, between eleven and twelve o'clock at night. By this treaty, France secured the possession of Franche-Comté, together with Cambray, Aire, St. Omer's, Valenciennes, Tournay, Ypres,

August 1.

Bouchain, Cassel, &c., and restored to Spain only Charleroi, Courtrai, Oudenarde, Aeth, Ghent, and Limbourg.

Next day Temple received an express from England, which brought the ratifications of the treaty lately concluded with the states, together with orders immediately to proceed to the exchange of them. Charles was now returned to his former inclinations for war with France.

Van Beverning was loudly exclaimed against by the ambassadors of the allies at Nimeguen, especially those of Brandenburg and Denmark, whose masters were obliged, by the treaty, to restore all their acquisitions. The ministers of Spain and the emperor were sullen and disgusted; and all men hoped that the states, importuned and encouraged by continual solicitations from England, would disavow their ambassador and renew the war. The Prince of Orange even took an extraordinary step in order to engage them to that measure; or perhaps to give vent to his own spleen and resentment. The day after signing the peace at Nimeguen, he attacked the French army at St. Dennis, near Mons; and gained some advantage over Luxembourg, who rested secure on the faith of the treaty, and concluded the war to be finished. The prince knew, at least had reason to believe, that the peace was signed, though it had not been formally notified to him; and he here sacrificed wantonly, without a proper motive, the lives of many brave men on both sides, who fell in this sharp and well contested action.

Hyde was sent over with a view of persuading the states to disavow Van Beverning; and the king promised that England, if she might depend on Holland, would immediately declare war, and would pursue it, till France were reduced to reasonable conditions. Charles at present went farther than words. He hurried on the embarkation of his army for Flanders; and all his preparations wore a hostile appearance. But the states had been too often deceived to trust him any longer. They ratified the treaty signed at Nimeguen; and all the other powers of Europe were at last, after much clamour and many disgusts, obliged to accept of the terms prescribed to them.

Peace of Nimeguen.

Lewis had now reached the height of that glory which ambition can afford. His ministers and negotiators appeared as much superior to those of all Europe in the cabinet, as his generals and armies had been experienced in the field. A successful war had been carried on against an alliance, composed of the greatest potentates in Europe. Considerable conquests had been made, and his territories enlarged on every side. An advantageous peace was at last concluded, where he had given the law. The allies were so enraged against each other, that they were not likely to cement soon in any new confederacy. And thus he had, during some years, a real prospect of attaining the monarchy of Europe, and of exceeding the empire of Charlemagne, perhaps equalling that of ancient Rome. Had England continued much longer in the same condition, and under the same government, it is not easy to conceive that he could have failed of his purpose.

In proportion as these circumstances exalted the French, they excited indignation among the English, whose animosity, roused by terror, mounted to a great height against that rival nation. Instead of taking the lead in the affairs of Europe, Charles, they thought, had, contrary to his own honour and interests, acted a part entirely subservient to the common enemy; and in all his measures had either no project at all, or such as was highly criminal and dangerous. While Spain, Holland, the emperor, the princes of Germany, called aloud on England to lead them to victory and to liberty, and conspired to raise her to a station more glorious than she had ever before attained; her king, from mean pecuniary motives, had secretly sold his alliance to Lewis, and was bribed into an interest contrary to that of his people. His active schemes, in conjunction with France, were highly pernicious; his neutrality was equally ignominious; and the jealous refractory behaviour of the Parliament, though in itself dangerous, was the only remedy for so many greater ills, with which the public, from the misguided counsels of the king, was so nearly threatened. Such were the dispositions of men's minds at the conclusion of the peace of Nimeguen: and these dispositions naturally prepared the way for the events which followed.

State of affairs in Scotland.

We must now return to the affairs of Scotland, which we left in some disorder after the suppression of the insurrection in 1666. The king, who at that time endeavoured to render himself popular in England, adopted like measures in Scotland, and he entrusted the government into the hands chiefly of Tweeddale and Sir Robert Murray, men of prudence and moderation. These ministers made it their principal object to compose the religious differences, which ran high, and for which scarcely any modern nation but the Dutch had as yet found the proper remedy. As rigour and restraint had failed of success in Scotland, a scheme of *comprehension* was tried; by which it was intended to diminish greatly the authority of bishops, to abolish their negative voice in the ecclesiastical courts, and to leave them little more than the right of precedency among the presbyters. But the presbyterian zealots entertained great jealousy against this scheme. They remembered that, by such gradual steps, King James had endeavoured to introduce episcopacy. Should the ears and eyes of men be once reconciled to the name and habit of bishops, the whole power of the function they dreaded would soon follow: the least communication with unlawful and antichristian institutions they esteemed dangerous and criminal: *Touch not, taste not, handle not;* this cry went out amongst them: and the king's ministers at last perceived that they should prostitute the dignity of government, by making advances, to which the malecontents were determined not to correspond.

The next project adopted was that of *indulgence*. In prosecution of this scheme, the most popular of the expelled preachers, without requiring any terms of submission to the established religion, were settled in vacant churches; and small salaries of about twenty pounds a year were offered to the rest, till they should otherwise be provided for. These last refused the king's bounty, which they considered as the wages of a criminal silence. Even the former soon repented their compliance. The people, who had been accustomed to hear them rail against their superiors, and preach to the times, as they termed it, deemed their sermons languid and spiritless when deprived of these ornaments. Their usual gifts, they thought, had left them, on account of their submission, which was stigmatized as Erastianism. They gave them the appellation, not of ministers of Christ, but of *the king's curates;* as the clergy of the established church

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were commonly denominated *the bishops' curates*. The preachers themselves returned in a little time to their former practices, by which they hoped to regain their former dominion over the minds of men. The conventicles multiplied daily in the west: the clergy of the established church were insulted: the laws were neglected: the covenanters even met daily in arms at their places of worship: and though they usually dispersed themselves after divine service, yet the government took a just alarm at seeing men, who were so entirely governed by their seditious teachers, dare to set authority at defiance, and, during a time of full peace, to put themselves in a military posture.

There was here, it is apparent, in the political body, a disease dangerous and inveterate; and the government had tried every remedy, but the true one, to allay and correct it. An unlimited *toleration*, after sects have diffused themselves, and are strongly rooted, is the only expedient which can allay their fervour, and make the civil union acquire a superiority above religious distinctions. But as the operations of this regimen are commonly gradual, and at first imperceptible, vulgar politicians are apt, for that reason, to have recourse to more hasty and more dangerous remedies. It is observable, too, that these nonconformists, in Scotland, neither offered nor demanded toleration; but laid claim to an entire superiority, and to the exercise of extreme rigour against their adversaries. The covenant which they idolized was a persecuting as well as a seditious band of confederacy; and the government, instead of treating them like madmen, who should be soothed, and flattered, and deceived into tranquillity, thought themselves entitled to a rigid obedience, and were too apt, from a mistaken policy, to retaliate upon the dissenters, who had erred from the spirit of enthusiasm.

Amidst these disturbances, a new Parliament was assembled at Edinburgh[m]; and Lauderdale was sent down commissioner. The zealous presbyterians, who were the chief patrons of liberty, were too obnoxious to resist, with any success, the measures of government; and in Parliament the tide still ran strongly in favour of monarchy. The commissioner had such influence as to get two acts

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[m] 19th of October, 1669.

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passed, which were of great consequence to the ecclesiastical and civil liberties of the kingdom. By the one it was declared, that the settling of all things, with regard to the external government of the church, was a right of the crown: that whatever related to ecclesiastical meetings, matters, and persons, was to be ordered according to such directions as the king should send to his privy council: and that these, being published by them, should have the force of laws. The other act regarded the militia, which the king, by his own authority, had two years before established, instead of the army, which was disbanded. By this act, the militia was settled to the number of twenty-two thousand men, who were to be constantly armed and regularly disciplined. And it was farther enacted, that these troops should be held in readiness to march into England, Ireland, or any part of the king's dominions, for any cause in which his majesty's authority, power, or greatness, was concerned; on receiving orders, not from the king himself, but from the privy council of Scotland.

Lauderdale boasted extremely of his services in procuring these two laws. The king, by the former, was rendered absolute master of the church, and might legally, by his edict, re-establish, if he thought proper, the Catholic religion in Scotland. By the latter, he saw a powerful force ready at his call: he had even the advantage of being able to disguise his orders under the name of the privy council; and, in case of failure in his enterprises, could, by such a pretence, apologize for his conduct to the Parliament of England. But in proportion as these laws were agreeable to the king, they gave alarm to the English Commons, and were the chief cause of the redoubled attacks which they made upon Lauderdale. These attacks, however, served only to fortify him in his interest with the king; and though it is probable that the militia of Scotland, during the divided state of that kingdom, would, if matters had come to extremities, have been of little service against England; yet did Charles regard the credit of it as a considerable support to his authority: and Lauderdale, by degrees, became the prime, or rather sole minister for Scotland. The natural indolence of the king disposed him to place entire confidence in a man who had so far extended the royal prerogative, and who was still disposed to render it absolutely uncontrollable.

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In a subsequent session of the same Parliament[n], a severe law was enacted against conventicles. Ruinous fines were imposed both on the preachers and hearers, even if the meetings had been in houses, but field conventicles were subjected to the penalty of death, and confiscation of goods: four hundred marks Scotch were offered as a reward to those who should seize the criminals; and they were indemnified for any slaughter which they might commit in the execution of such an undertaking. And as it was found difficult to get evidence against these conventicles, however numerous, it was enacted by another law, that whoever, being required by the council, refused to give information upon oath, should be punished by arbitrary fines, by imprisonment, or by banishment to the plantations. Thus all persecution naturally, or rather necessarily, adopts the iniquities, as well as rigours, of the inquisition. What a considerable part of the society consider as their duty and honour, and even many of the opposite party are apt to regard with compassion and indulgence, can by no other expedient be subjected to such severe penalties as the natural sentiments of mankind appropriate only to the greatest crimes.

Though Lauderdale found this ready compliance in the Parliament, a party was formed against him, of which Duke Hamilton was the head. This nobleman, with Tweeddale and others, went to London, and applied to the king, who, during the present depression and insignificance of Parliament, was alone able to correct the abuses of Lauderdale's administration. But even their complaints to him might be dangerous; and all approaches of truth to the throne were barred by the ridiculous law against leasing-making; a law which seems to have been extorted by the ancient nobles, in order to protect their own tyranny, oppression, and injustice. Great precautions, therefore, were used by the Scottish malecontents in their representations to the king; but no redress was obtained. Charles loaded them with caresses, and continued Lauderdale in his authority.

A very bad, at least a severe use was made of this au-

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[n] 28th of July, 1670.

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thority. The privy council dispossessed twelve gentlemen or noblemen of their houses°; which were converted into so many garrisons, established for the suppression of conventicles. The nation, it was pretended, was really, on account of these religious assemblies, in a state of war; and by the ancient law, the king, in such an emergence, was empowered to place a garrison in any house where he should judge it expedient.

It were endless to recount every act of violence and arbitrary authority exercised during Lauderdale's administration. All the lawyers were put from the bar, nay banished, by the king's order, twelve miles from the capital, and by that means the whole justice of the kingdom was suspended for a year, till these lawyers were brought to declare it as their opinion, that all appeals to Parliament were illegal. A letter was procured from the king, for expelling twelve of the chief magistrates of Edinburgh, and declaring them incapable of all public office, though their only crime had been their want of compliance with Lauderdale. The boroughs of Scotland have a privilege of meeting once a year, by their deputies, in order to consider the state of trade, and make by-laws for its regulation: in this convention a petition was voted, complaining of some late acts, which obstructed commerce, and praying the king that he would empower his commissioner, in the next session of Parliament, to give his assent for repealing them. For this presumption, as it was called, several of the members were fined and imprisoned. One More, a member of Parliament, having moved in the House, that, in imitation of the English Parliament, no bill should pass, except after three readings; he was, for this pretended offence, immediately sent to prison by the commissioner.

The private deportment of Lauderdale was as insolent and provoking as his public administration was violent and tyrannical. Justice likewise was universally perverted by faction and interest: and from the great rapacity of that duke, and still more of his duchess, all offices and favours were openly put to sale. No one was allowed to approach the throne who was not dependent on him; and no remedy could be hoped for or obtained

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° In 1675.

against his manifold oppressions. The case of Mitchel shows that this minister was as much destitute of truth and honour, as of lenity and justice.

Mitchel was a desperate fanatic, and had entertained a resolution of assassinating Sharpe, Archbishop of St. Andrew's, who, by his former apostasy and subsequent rigour, had rendered himself extremely odious to the covenanters. In the year 1668, Mitchel fired a pistol at the primate, as he was sitting in his coach; but the Bishop of Orkney stepping into the coach, happened to stretch out his arm, which intercepted the ball, and was much shattered by it. This happened in the principal street of the city; but so generally was the archbishop hated, that the assassin was allowed peaceably to walk off; and having turned a street or two, and thrown off a wig, which disguised him, he immediately appeared in public, and remained altogether unsuspected. Some years after, Sharpe remarked one, who seemed to eye him very eagerly; and being still anxious lest an attempt of assassination should be renewed, he ordered the man to be seized and examined. Two loaded pistols were found upon him; and, as he was now concluded to be the author of the former attempt, Sharpe promised that, if he would confess his guilt, he should be dismissed without any punishment. Mitchel (for the conjecture was just) was so credulous as to believe him; but was immediately produced before the council by the faithless primate. The council, having no proof against him, but hoping to involve the whole body of covenanters in this odious crime, solemnly renewed the promise of pardon, if he would make a full discovery; and it was a great disappointment to them, when they found, upon his confession, that only one person, who was now dead, had been acquainted with his bloody purpose. Mitchel was then carried before a court of judicature, and required to renew his confession; but being apprehensive lest, though a pardon for life had been promised him, other corporal punishment might still be inflicted, he refused compliance, and was sent back to prison. He was next examined before the council, under pretence of his being concerned in the insurrection at Pentland; and though no proof appeared against him, he was put

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to the question, and, contrary to the most obvious principles of equity, was urged to accuse himself. He endured the torture with singular resolution, and continued obstinate in the denial of a crime, of which, it is believed, he really was not guilty. Instead of obtaining his liberty, he was sent to the Bass, a very high rock surrounded by the sea; at this time converted into a state prison, and full of the unhappy covenanters. He there remained in great misery, loaded with irons, till the year 1677, when it was resolved, by some new examples, to strike a fresh terror into the persecuted but still obstinate enthusiasts. Mitchel was then brought before a court of judicature, and put upon his trial for an attempt to assassinate an archbishop and a privy counsellor. His former confession was pleaded against him, and was proved by the testimony of the Duke of Lauderdale, lord commissioner, Lord Hatton, his brother, the Earl of Rothes, and the primate himself. Mitchel, besides maintaining that the privy council was no court of judicature, and that a confession before them was not judicial, asserted, that he had been engaged to make that confession by a solemn promise of pardon. The four privy counsellors denied upon oath that any such promise had ever been given. The prisoner then desired that the council books might be produced in court; and even offered a copy of that day's proceedings to be read; but the privy counsellors maintained that, after they had made oath, no farther proof could be admitted, and that the books of council contained the king's secrets, which were on no account to be divulged. They were not probably aware, when they swore, that the clerk, having engrossed the promise of pardon in the narrative of Mitchel's confession, the whole minute had been signed by the chancellor, and that the proofs of their perjury were by that means committed to record. Though the prisoner was condemned, Lauderdale was still inclined to pardon him; but the unrelenting primate rigorously insisted upon his execution; and said that, if assassins remained unpunished, his life must be exposed to perpetual danger. Mitchel was accordingly executed at Edinburgh in January, 1678. Such a complication of cruelty and treachery shows the character of those ministers to whom

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the king had, at this time, entrusted the government of Scotland.

Lauderdale's administration, besides the iniquities arising from the violence of his temper, and the still greater iniquities inseparable from all projects of persecution, was attended with other circumstances, which engaged him in severe and arbitrary measures. An absolute government was to be introduced, which on its commencement is often most rigorous; and tyranny was still obliged, for want of military power, to cover itself under an appearance of law; a situation which rendered it extremely awkward in its motions, and, by provoking opposition, extended the violence of its oppressions.

The rigours exercised against conventicles, instead of breaking the spirit of the fanatics, had tended only, as is usual, to render them more obstinate, to increase the fervour of their zeal, to link them more closely together, and to inflame them against the established hierarchy. The commonalty, almost every where in the south, particularly in the western counties, frequented conventicles without reserve; and the gentry, though they themselves commonly abstained from these illegal places of worship, connived at this irregularity in their inferiors. In order to interest the former on the side of the persecutors, a bond or contract was, by order of the privy council, tendered to the landlords in the west, by which they were to engage for the good behaviour of their tenants; and in case any tenant frequented a conventicle, the landlord was to subject himself to the same fine as could by law be exacted from the delinquent. It was ridiculous to give sanction to laws by voluntary contracts: it was iniquitous to make one man answerable for the conduct of another: it was illegal to impose such hard conditions upon men who had nowise offended. For these reasons the greater part of the gentry refused to sign these bonds; and Lauderdale, enraged at this opposition, endeavoured to break their spirit by expedients which were still more unusual and more arbitrary.

The law enacted against conventicles had called them seminaries of rebellion. This expression, which was nothing but a flourish of rhetoric, Lauderdale and the privy council were willing to understand in a literal sense; and

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because the western counties abounded in conventicles, though otherwise in profound peace, they pretended that these counties were in a state of actual war and rebellion. They made therefore an agreement with some highland chieftains to call out their clans, to the number of eight thousand men; to these they joined the guards, and the militia of Angus: and they sent the whole to live at free quarters upon the lands of such as had refused the bonds illegally required of them. The obnoxious counties were the most populous and most industrious in Scotland. The highlanders were the people the most disorderly and the least civilized. It is easy to imagine the havoc and destruction which ensued. A multitude, not accustomed to discipline, averse to the restraint of laws, trained up in rapine and violence, were let loose amidst those whom they were taught to regard as enemies to their prince and to their religion. Nothing escaped their ravenous hands. By menaces, by violence, and sometimes by tortures, men were obliged to discover their concealed wealth. Neither age, nor sex, nor innocence, afforded protection: and the gentry, finding that even those who had been most compliant, and who had subscribed the bonds, were equally exposed to the rapacity of those barbarians, confirmed themselves still more in the resolution of refusing them. The voice of the nation was raised against this enormous outrage; and after two months' free quarter, the highlanders were sent back to their hills, loaded with the spoils and execrations of the west.

Those who had been engaged to subscribe the bonds could find no security, but by turning out such tenants as they suspected of an inclination to conventicles, and thereby depopulating their estates. To increase the misery of these unhappy farmers, the council enacted, that none should be received any where, or allowed a habitation, who brought not a certificate of his conformity from the parish minister. That the obstinate and refractory might not escape farther persecution, a new device was fallen upon. By the law of Scotland, any man who should go before a magistrate, and swear that he thought himself in danger from another, might obtain a writ of *law-burrows*, as it is called; by which the latter was bound, under the penalty of imprisonment and outlawry, to find security for his good behaviour. Lauderdale entertained the absurd notion of making the king sue out writs of law-burrows against his subjects. On this pretence, the refusers of the bonds were summoned to appear before the council, and were required to bind themselves, under the penalty of two years' rent, neither to frequent conventicles themselves, nor allow their family and tenants to be present at those unlawful assemblies. Thus chicanery was joined to tyranny; and the majesty of the king, instead of being exalted, was in reality prostituted; as if he were obliged to seek the same security, which one neighbour might require of another.

It was an old law, but seldom executed, that a man who was accused of any crime, and did not appear, in order to stand his trial, might be *intercommuned*, that is, he might be publicly outlawed; and whoever afterwards, either on account of business, relation, nay charity, had the least intercourse with him, was subjected to the same penalties as could by law be inflicted on the criminal himself. Several writs of intercommuning were now issued against the hearers and preachers in conventicles; and by this severe and even absurd law, crimes and guilt went on multiplying in a geometrical proportion. Where laws themselves are so violent, it is no wonder that an administration should be tyrannical.

Lest the cry of an oppressed people should reach the throne, the council forbad, under severe penalties, all noblemen or gentlemen of landed property to leave the kingdom; a severe edict, especially where the sovereign himself resided in a foreign country. Notwithstanding this act of council, Cassilis first, afterwards Hamilton and Tweeddale, went to London, and laid their complaints before the king. These violent proceedings of Lauderdale were opposite to the natural temper of Charles; and he immediately issued orders for discontinuing the bonds and the writs of law-burrows. But as he was commonly little touched with what lay at a distance, he entertained not the proper indignation against those who had abused his authority. Even while he retracted these oppressive measures, he was prevailed with to avow and praise them, in a letter which he wrote to the privy council. This

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proof of confidence might fortify the hands of the ministry; but the king ran a manifest risk of losing the affections of his subjects, by not permitting even those who were desirous of it, to distinguish between him and their oppressors.

It is reported[p] that Charles, after a full hearing of the debates concerning Scottish affairs, said, "I perceive that Lauderdale has been guilty of many bad things against the people of Scotland; but I cannot find that he has acted any thing contrary to my interest:" a sentiment unworthy of a sovereign!

During the absence of Hamilton and the other discontented lords, the king allowed Lauderdale to summon a convention of estates at Edinburgh. This assembly, besides granting some money, bestowed applause on all Lauderdale's administration, and in their addresses to the king expressed the highest contentment and satisfaction. But these instances of complaisance had the contrary effect in England from what was expected by the contrivers of them. All men there concluded, that in Scotland the very voice of liberty was totally suppressed; and that, by the prevalence of tyranny, grievances were so riveted, that it was become dangerous even to mention them, or complain to the prince, who alone was able to redress them. From the slavery of the neighbouring kingdom, they inferred the arbitrary disposition of the king; and from the violence with which sovereign power was there exercised, they apprehended the miseries which might ensue to themselves upon their loss of liberty. If persecution, it was asked, by a Protestant church, could be carried to such extremes, what might be dreaded from the prevalence of popery, which had ever, in all ages, made open profession of exterminating by fire and sword every opposite sect or communion? And if the first approaches towards unlimited authority were so tyrannical, how dismal its final establishment, when all dread of opposition should at last be removed by mercenary armies, and all sense of shame by long and inveterate habit?

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[p] Burnet.

CHAPTER LXVII.

The Popish Plot.—Oates's Narrative—and Character.—Coleman's Letters.—Godfrey's Murder.—General Consternation.—The Parliament.—Zeal of the Parliament.—Bedloe's Narrative.—Accusation of Danby.—His Impeachment.—Dissolution of the Long Parliament.—Its Character.—Trial of Coleman—of Ireland.—New Elections.—Duke of Monmouth.—Duke of York retires to Brussels.—New Parliament.—Danby's Impeachment.—Popish Plot.—New Council.—Limitations on a Popish Successor.—Bill of Exclusion.—Habeas Corpus Bill.—Prorogation and Dissolution of the Parliament.—Trial and Execution of the five Jesuits,—and of Langhorne.—Wakeman acquitted.—State of Affairs in Scotland.—Battle of Bothwel-bridge.

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The English nation, ever since the fatal league with France, had entertained violent jealousies against the court; and the subsequent measures adopted by the king had tended more to increase than cure the general prejudices. Some mysterious design was still suspected in every enterprise and profession: arbitrary power and popery were apprehended as the scope of all projects: each breath or rumour made the people start with anxiety: their enemies, they thought, were in their very bosom, and had gotten possession of their sovereign's confidence. While in this timorous, jealous disposition, the cry of a *plot* all on a sudden struck their ears: they were wakened from their slumber; and, like men affrighted and in the dark, took every figure for a spectre. The terror of each man became the source of terror to another. And an universal panic being diffused, reason, and argument, and common sense, and common humanity, lost all influence over them. From this disposition of men's minds, we are to account for the progress of the POPISH PLOT, and the credit given to it; an event which would otherwise appear prodigious, and altogether inexplicable.

The popish plot.

On the 12th of August, one Kirby, a chemist, accosted the king, as he was walking in the park: "Sir," said he, "keep within the company: your enemies have a design upon your life; and you may be shot in this very walk." Being asked the reason of these strange speeches, he said, that two men, called Grove and Pickering, had engaged

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to shoot the king, and Sir George Wakeman, the queen's physician, to poison him. This intelligence, he added, had been communicated to him by Doctor Tongue; whom, if permitted, he would introduce to his majesty. Tongue was a divine of the church of England; a man, active, restless, full of projects, void of understanding. He brought papers to the king, which contained information of a plot, and were digested into forty-three articles. The king, not having leisure to peruse them, sent them to the treasurer Danby, and ordered the two informers to lay the business before that minister. Tongue confessed to Danby, that he himself had not drawn the papers, that they had been secretly thrust under his door, and that, though he suspected, he did not certainly know, who was the author. After a few days he returned, and told the treasurer, that his suspicions, he found, were just; and that the author of the intelligence, whom he had met twice or thrice in the street, had acknowledged the whole matter, and had given him a more particular account of the conspiracy, but desired that his name might be concealed, being apprehensive lest the papists should murder him.

The information was renewed with regard to Grove's and Pickering's intentions of shooting the king; and Tongue even pretended that, at a particular time, they were to set out for Windsor with that intention. Orders were given for arresting them, as soon as they should appear in that place: but though this alarm was more than once renewed, some frivolous reasons were still found by Tongue for their having delayed the journey; and the king concluded, both from these evasions, and from the mysterious, artificial manner of communicating the intelligence, that the whole was an imposture.

Tongue came next to the treasurer, and told him, that a packet of letters, written by Jesuits concerned in the plot, was that night to be put into the post-house for Windsor, directed to Bennifield, a Jesuit, confessor to the duke. When this intelligence was conveyed to the king, he replied, that the packet mentioned had a few hours before been brought to the duke by Bennifield; who said, that he suspected some bad design upon him; that the letters seemed to contain matters of a danger-

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ous import; and that he knew them not to be the handwriting of the persons whose names were subscribed to them. This incident still farther confirmed the king in his incredulity.

The matter had probably slept for ever, had it not been for the anxiety of the duke; who, hearing that priests and Jesuits, and even his own confessor, had been accused, was desirous that a thorough inquiry should be made by the council into the pretended conspiracy. Kirby and Tongue were inquired after, and were now found to be living in close connexion with Titus Oates, the person who was said to have conveyed the first intelligence to Tongue. Oates affirmed that he had fallen under suspicion with the Jesuits; that he had received three blows with a stick, and a box on the ear, from the provincial of that order, for revealing that conspiracy; and that, overhearing them speak of their intentions to punish him more severely, he had withdrawn and concealed himself. This man, in whose breast was lodged a secret, involving the fate of kings and kingdoms, was allowed to remain in such necessity, that Kirby was obliged to supply him with daily bread; and it was a joyful surprise to him when he heard that the council was at last disposed to take some notice of his intelligence. But as he expected more encouragement from the public, than from the king or his ministers, he thought proper, before he was presented to the council, to go with his two companions to Sir Edmondsbury Godfrey, a noted and active justice of the peace, and to give evidence before him of all the articles of the conspiracy.

Oates's narrative.

The wonderful intelligence which Oates conveyed both to Godfrey and the council, and afterwards to the Parliament, was to this purpose[a]. The pope, he said, on examining the matter in the congregation *de propaganda*, had found himself entitled to the possession of England and Ireland on account of the heresy of prince and people, and had accordingly assumed the sovereignty of these kingdoms. The supreme power he had thought proper to delegate to the society of Jesuits; and De Oliva, general of that order, in consequence of the papal grant, had exerted every act of regal authority, and particularly had

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[a] Oates's Narrative.

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supplied, by commissions under the seal of the society, all the chief offices, both civil and military. Lord Arundel was created chancellor; Lord Powis treasurer; Sir William Godolphin privy seal; Coleman secretary of state; Langhorne attorney-general; Lord Bellasis general of the papal army; Lord Peters lieutenant-general; Lord Stafford paymaster; and inferior commissions, signed by the provincial of the Jesuits, were distributed all over England. All the dignities, too, of the church were filled, and many of them with Spaniards and other foreigners. The provincial had held a consult of the Jesuits under his authority; where the king, whom they opprobriously called the Black Bastard, was solemnly tried and condemned as a heretic; and a resolution taken to put him to death. Father le Shee (for so this great plotter and informer called Father la Chaise, the noted confessor of the French king) had consigned in London ten thousand pounds, to be paid to any man who should merit it by this assassination. A Spanish provincial had expressed like liberality: the prior of the Benedictines was willing to go the length of six thousand: the Dominicans approved of the action, but pleaded poverty. Ten thousand pounds had been offered to Sir George Wakeman, the queen's physician, who demanded fifteen thousand, as a reward for so great a service. His demand was complied with; and five thousand had been paid him by advance. Lest this means should fail, four Irish ruffians had been hired by the Jesuits, at the rate of twenty guineas apiece, to stab the king at Windsor; and Coleman, secretary to the late Duchess of York, had given the messenger, who carried them orders, a guinea to quicken his diligence. Grove and Pickering were also employed to shoot the king with silver bullets: the former was to receive the sum of fifteen hundred pounds; the latter, being a pious man, was to be rewarded with thirty thousand masses, which, estimating masses at a shilling apiece, amounted to a like value. Pickering would have executed his purpose, had not the flint at one time dropped out of his pistol, at another time the priming. Coniers, the Jesuit, had bought a knife at the price of ten shillings, which he thought was not dear, considering the purpose for which he intended

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it, to wit, stabbing the king. Letters of subscription were circulated among the Catholics all over England, to raise a sum for the same purpose. No less than fifty Jesuits had met in May last, at the White Horse tavern, where it was unanimously agreed to put the king to death. This synod did afterwards, for more convenience, divide themselves into many lesser cabals or companies; and Oates was employed to carry notes and letters from one to another, all tending to the same end, of murdering the king. He even carried from one company to another a paper, in which they formally expressed their resolution of executing that deed; and it was regularly subscribed by all of them. A wager of a hundred pounds was laid, and stakes made, that the king should eat no more Christmas pies. In short, it was determined, to use the expression of a Jesuit, that if he would not become R. C. (Roman Catholic), he should no longer be C. R. (Charles Rex). The great fire of London had been the work of the Jesuits, who had employed eighty or eighty-six persons for that purpose, and had expended seven hundred fireballs; but they had a good return for their money, for they had been able to pilfer goods from the fire to the amount of fourteen thousand pounds: the Jesuits had also raised another fire on St. Margaret's Hill, whence they had stolen goods to the value of two thousand pounds: another at Southwark: and it was determined in like manner to burn all the chief cities in England. A paper model was already framed for the firing of London; the stations were regularly marked out, where the several fires were to commence; and the whole plan of operations was so concerted, that precautions were taken by the Jesuits to vary their measures, according to the variation of the wind. Fireballs were familiarly called among them Teuxbury mustard pills; and were said to contain a notable biting sauce. In the great fire, it had been determined to murder the king: but he had displayed such diligence and humanity in extinguishing the flames, that even the Jesuits relented, and spared his life. Besides these assassinations and fires, insurrections, rebellions, and massacres were projected by that religious order in all the three kingdoms. There were twenty thousand Catholics in London, who would rise in four-and-twenty hours or less; and Jennison, a Jesuit, said, that they might easily cut the throats of a hundred thousand Protestants. Eight thousand Catholics had agreed to take arms in Scotland. Ormond was to be murdered by four Jesuits; a general massacre of the Irish Protestants was concerted; and forty thousand black bills were already provided for that purpose. Coleman had remitted two hundred thousand pounds to promote the rebellion in Ireland; and the French king was to land a great army in that island. Poole, who wrote the Synopsis, was particularly marked out for assassination; as was also Dr. Stillingfleet, a controversial writer against the Papists. Burnet tells us, that Oates paid him the same compliment. After all this havoc, the crown was to be offered to the duke, but on the following conditions: that he receive it as a gift from the pope; that he confirm all the papal commissions for offices and employments; that he ratify all past transactions, by pardoning the incendiaries, and the murderers of his brother and of the people; and that he consent to the utter extirpation of the Protestant religion. If he refuse these conditions, he himself was immediately to be poisoned or assassinated. *To pot James must go;* according to the expression ascribed by Oates to the Jesuits.

Oates, the informer of this dreadful plot, was himself the most infamous of mankind. He was the son of an anabaptist preacher, chaplain to Colonel Pride; but having taken orders in the church, he had been settled in a small living by the Duke of Norfolk. He had been indicted for perjury; and by some means had escaped. He was afterwards a chaplain on board the fleet; whence he had been dismissed on complaint of some unnatural practices, not fit to be named. He then became a convert to the Catholics; but he afterwards boasted, that his conversion was a mere pretence, in order to get into their secrets and to betray them[b]. He was sent over to the Jesuits' college at St. Omer's, and though above thirty years of age, he there lived some time among the students. He was despatched on an errand to Spain; and thence returned to St. Omer's; where the Jesuits, heartily tired of their convert, at last dismissed him from their seminary. It is likely that, from resentment of this usage, as well as from want and indigence, he was induced, in combination with Tongue, to contrive that plot of which he accused the Catholics.

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[b] Burnet, Echard, North, L'Estrange, &c.

This abandoned man, when examined before the council, betrayed his impostures in such a manner as would have utterly discredited the most consistent story, and the most reputable evidence. While in Spain, he had been carried, he said, to Don John, who promised great assistance to the execution of the Catholic designs. The king asked him, what sort of a man Don John was: he answered, a tall lean man; directly contrary to the truth, as the king well knew [c]. He totally mistook the situation of the Jesuits' college at Paris [d]. Though he pretended great intimacies with Coleman, he knew him not, when placed very near him; and had no other excuse than that his sight was bad in candle-light [e]. He fell into like mistakes with regard to Wakeman.

Notwithstanding these objections, great attention was paid to Oates's evidence, and the plot became very soon the subject of conversation, and even the object of terror to the people. The violent animosity, which had been excited against the Catholics in general, made the public swallow the grossest absurdities when they accompanied an accusation of those religionists: and the more diabolical any contrivance appeared, the better it suited the tremendous idea entertained of a Jesuit. Danby likewise, who stood in opposition to the French and Catholic interest at court, was willing to encourage every story, which might serve to discredit that party. By his suggestion, when a warrant was signed for arresting Coleman, there was inserted a clause for seizing his papers; a circumstance attended with the most important consequences.

Coleman's letters.

Coleman, partly on his own account, partly by orders from the duke, had been engaged in a correspondence with Father la Chaise, with the pope's nuncio at Brussels, and with other Catholics abroad; and being himself a fiery zealot, busy and sanguine, the expressions in his letters often betrayed great violence and indiscretion. His correspondence, during the years 1674, 1675, and part of 1676, was seized, and contained many extraordi-

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[c] Burnet, North. [d] North. [e] Burnet, North, Trials.

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nary passages. In particular, he said to La Chaise, "We have here a mighty work upon our hands, no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy, which has a long time domineered over a great part of this northern world. There were never such hopes of success, since the days of Queen Mary, as now in our days. God has given us a prince," meaning the duke, "who is become (may I say a miracle?) zealous of being the author and instrument of so glorious a work; but the opposition we are sure to meet with, is also like to be great: so that it imports us to get all the aid and assistance we can." In another letter he said, "I can scarce believe myself awake, or the thing real, when I think of a prince in such an age as we live in, converted to such a degree of zeal and piety, as not to regard any thing in the world in comparison of God Almighty's glory, the salvation of his own soul, and the conversion of our poor kingdom." In other passages the interests of the crown of England, those of the French king, and these of the Catholic religion, are spoken of as inseparable. The duke is also said to have connected his interests unalterably with those of Lewis. The king himself, he affirms, is always inclined to favour the Catholics, when he may do it without hazard. "Money," Coleman adds, "cannot fail of persuading the king to any thing. There is nothing it cannot make him do, were it ever so much to his prejudice. It has such an absolute power over him, that he cannot resist it. Logic, built upon money, has in our court more powerful charms than any other sort of argument." For these reasons he proposed to Father la Chaise, that the French king should remit the sum of three hundred thousand pounds, on condition that the Parliament be dissolved; a measure to which, he affirmed, the king was, of himself, sufficiently inclined, were it not for his hopes of obtaining money from that assembly. The Parliament, he said, had already constrained the king to make peace with Holland, contrary to the interests of the Catholic religion, and of his Most Christian Majesty: and if they should meet again, they would surely engage him farther, even to the making of war against France. It appears also from the same letters, that the assembling of the Parliament so late as April, in the year 1675, had been procured by the intrigues of the Catholic and French party, who thereby intended to show the Dutch and their confederates that they could expect no assistance from England.

When the contents of these letters were publicly known, they diffused the panic, with which the nation began already to be seized on account of the popish plot. Men reasoned more from their fears and their passions, than from the evidence before them. It is certain that the restless and enterprising spirit of the Catholic church, particularly of the Jesuits, merits attention, and is, in some degree, dangerous to every other communion. Such zeal of proselytism actuates that sect, that its missionaries have penetrated into every nation of the globe; and, in one sense, there is a *popish plot* perpetually carrying on against all states, Protestant, pagan, and Mahometan. It is likewise very probable, that the conversion of the duke, and the favour of the king, had inspired the Catholic priests with new hopes of recovering in these islands their lost dominion, and gave fresh vigour to that intemperate zeal by which they are commonly actuated. Their first aim was to obtain a toleration; and such was the evidence, they believed, of their theological tenets, that, could they but procure entire liberty, they must infallibly in time open the eyes of the people. After they had converted considerable numbers, they might be enabled, they hoped, to reinstate themselves in full authority, and entirely to suppress that heresy, with which the kingdom had so long been infected. Though these dangers to the Protestant religion were distant, it was justly the object of great concern to find that the heir of the crown was so blinded with bigotry, and so deeply engaged in foreign interests; and that the king himself had been prevailed on, from low interests, to hearken to his dangerous insinuations. Very bad consequences might ensue from such perverse habits and attachments; nor could the nation and Parliament guard against them with too anxious a precaution. But that the Roman pontiff could hope to assume the sovereignty of these kingdoms; a project which, even during the darkness of the eleventh and twelfth centuries, would have appeared chimerical: that he should delegate this authority to the ✓

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Jesuits, that order in the Romish church which was the most hated: that a massacre could be attempted of the Protestants, who surpassed the Catholics a hundred-fold, and were invested with the whole authority of the state: that the king himself was to be assassinated, and even the duke, the only support of their party: these were such absurdities as no human testimony was sufficient to prove; much less the evidence of one man, who was noted for infamy, and who could not keep himself, every moment, from falling into the grossest inconsistencies. Did such intelligence deserve even so much attention as to be refuted, it would appear, that Coleman's letters were sufficient alone to destroy all its credit. For how could so long a train of correspondence be carried on, by a man so much trusted by the party; and yet no traces of insurrections, if really intended, of fires, massacres, assassinations, invasions, be ever discovered in any single passage of these letters? But all such reflections, and many more, equally obvious, were vainly employed against that general prepossession with which the nation was seized. Oates's plot and Coleman's were universally confounded together: and the evidence of the latter being unquestionable, the belief of the former, aided by the passions of hatred and of terror, took possession of the whole people.

17th Oct. Godfrey's murder.

There was danger, however, lest time might open the eyes of the public; when the murder of Godfrey completed the general delusion, and rendered the prejudices of the nation absolutely incurable. This magistrate had been missing some days; and, after much search, and many surmises, his body was found lying in a ditch at Primrose-hill: the marks of strangling were thought to appear about his neck, and some contusions on his breast: his own sword was sticking in the body; but as no considerable quantity of blood ensued on drawing it, it was concluded, that it had been thrust in after his death, and that he had not killed himself: he had rings on his fingers, and money in his pocket: it was therefore inferred, that he had not fallen into the hands of robbers. Without farther reasoning, the cry rose, that he had been assassinated by the Papists, on account of his taking Oates's evidence. This clamour was quickly propagated,

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and met with universal belief. The panic spread itself on every side with infinite rapidity; and all men, astonished with fear, and animated with rage, saw in Godfrey's fate all the horrible designs ascribed to the Catholics; and no farther doubt remained of Oates's veracity. The voice of the nation united against that hated sect; and notwithstanding that the bloody conspiracy was supposed to be now detected, men could scarcely be persuaded that their lives were yet in safety. Each hour teemed with new rumours and surmises. Invasions from abroad, insurrections at home, even private murders and poisonings, were apprehended. To deny the reality of the plot was to be an accomplice; to hesitate was criminal; royalist, republican, churchman, sectary, courtier, patriot, all parties concurred in the illusion. The city prepared for its defence, as if the enemy were at its gates: the chains and posts were put up: and it was a noted saying at that time of Sir Thomas Player, the chamberlain, that were it not for these precautions, all the citizens might rise next morning with their throats cut[f].

General consternation.

In order to propagate the popular frenzy, several artifices were employed. The dead body of Godfrey was carried into the city, attended by vast multitudes. It was publicly exposed in the streets, and viewed by all ranks of men; and every one who saw it went away inflamed, as well by the mutual contagion of sentiments, as by the dismal spectacle itself. The funeral pomp was celebrated with great parade. The corpse was conducted through the chief streets of the city: seventy-two clergymen marched before: above a thousand persons of distinction followed after: and at the funeral sermon, two able-bodied divines mounted the pulpit, and stood on each side of the preacher, lest, in paying the last duties to this unhappy magistrate, he should, before the whole people, be murdered by the Papists[g].

In this disposition of the nation, reason could no more be heard than a whisper in the midst of the most violent hurricane. Even at present, Godfrey's murder can scarcely, upon any system, be rationally accounted for. That he was assassinated by the Catholics seems utterly improbable. These religionists could not be en-

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[f] North, p. 206.

[g] Ibid. p. 205.

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gaged to commit that crime from *policy*, in order to deter other magistrates from acting against them. Godfrey's fate was nowise capable of producing that effect, unless it was publicly known that the Catholics were his murderers; an opinion which, it was easy to foresee, must prove the ruin of their party. Besides, how many magistrates, during more than a century, had acted in the most violent manner against the Catholics, without its being ever suspected that any one had been cut off by assassination? Such jealous times as the present were surely ill fitted for beginning these dangerous experiments. Shall we therefore say, that the Catholics were pushed on, not by policy, but by blind *revenge* against Godfrey? But Godfrey had given them little or no occasion of offence in taking Oates's evidence. His part was merely an act of form, belonging to his office; nor could he or any man in his station, possibly refuse it. In the rest of his conduct, he lived on good terms with the Catholics, and was far from distinguishing himself by his severity against that sect. It is even certain that he had contracted an intimacy with Coleman, and took care to inform his friend of the danger to which, by reason of Oates's evidence, he was at present exposed.

There are some writers, who, finding it impossible to account for Godfrey's murder by the machinations of the Catholics, have recourse to the opposite supposition. They lay hold of that obvious presumption, that those commit the crime who reap advantage by it; and they affirm that it was Shaftesbury, and the heads of the popular party, who perpetrated that deed, in order to throw the odium of it on the Papists. If this supposition be received, it must also be admitted that the whole plot was the contrivance of those politicians; and that Oates acted altogether under their direction. But it appears that Oates, dreading probably the opposition of powerful enemies, had very anxiously acquitted the duke, Danby, Ormond, and all the ministry; persons who were certainly the most obnoxious to the popular leaders. Besides, the whole texture of the plot contains such low absurdity, that it is impossible to have been the invention of any man of sense or education. It is true, the more monstrous and horrible the conspiracy, the better was it fitted

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to terrify, and thence to convince, the populace: but this effect, we may safely say, no one could beforehand have expected; and a fool was in this case more likely to succeed than a wise man. Had Shaftesbury laid the plan of a popish conspiracy, he had probably rendered it moderate, consistent, credible; and on that very account had never met with the prodigious success with which Oates's tremendous fictions were attended.

We must, therefore, be contented to remain for ever ignorant of the actors in Godfrey's murder; and only pronounce, in general, that that event, in all likelihood, had no connexion, one way or other, with the popish plot.

Any man, especially so active a magistrate as Godfrey, might, in such a city as London, have many enemies, of whom his friends and family had no suspicion. He was a melancholy man; and there is some reason, notwithstanding the pretended appearances to the contrary, to suspect that he fell by his own hands. The affair was never examined with tranquillity, or even with common sense, during the time; and it is impossible for us, at this distance, certainly to account for it.

No one doubted but the Papists had assassinated Godfrey; but still the particular actors were unknown. A proclamation was issued by the king, offering a pardon and reward of five hundred pounds to any one who should discover them. As it was afterwards surmised that the terror of a like assassination would prevent discovery, a new proclamation was issued, promising absolute protection to any one who should reveal the secret. Thus were indemnity, money, and security offered to the fairest bidder: and no one needed to fear, during the present fury of the people, that his evidence would undergo too severe a scrutiny.

21st Oct. The Parliament.

While the nation was in this ferment, the Parliament was assembled. In his speech the king told them, that, though they had given money for disbanding the army [h], he had found Flanders so exposed, that he had thought it necessary still to keep them on foot, and doubted not but this measure would meet with their approbation. He

[h] They had granted him six hundred thousand pounds for disbanding the army, for reimbursing the charges of his naval armament, and for paying the Princess of Orange's portion.

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informed them, that his revenue lay under great anticipations, and at best was never equal to the constant and necessary expense of government; as would appear from the state of it, which he intended to lay before them. He also mentioned the plot formed against his life by Jesuits; but said that he would forbear delivering any opinion of the matter, lest he should seem to say too much or too little; and that he would leave the scrutiny of it entirely to the law.

The king was anxious to keep the question of the popish plot from the Parliament; where, he suspected, many designing people would very much abuse the present credulity of the nation: but Danby, who hated the Catholics, and courted popularity, and perhaps hoped that the king, if his life were believed in danger from the Jesuits, would be more cordially loved by the nation, had entertained opposite designs; and the very first day of the session he opened the matter in the House of Peers.

The king was extremely displeased with this temerity, and told his minister, "Though you do not believe it, you will find that you have given the Parliament a handle to ruin yourself, as well as to disturb all my affairs; and you will surely live to repent it." Danby had afterwards sufficient reason to applaud the sagacity of his master.

Zeal of the Parliament.

The cry of the plot was immediately echoed from one House to the other. The authority of Parliament gave sanction to that fury with which the people were already agitated. An address was voted for a solemn fast: a form of prayer was contrived for that solemnity, and because the popish plot had been omitted in the first draft, it was carefully ordered to be inserted; lest Omniscience should want intelligence, to use the words of an historian [i].

In order to continue and propagate the alarm, addresses were voted for laying before the House such papers as might discover the horrible conspiracy; for the removal of popish recusants from London; for administering every where the oaths of allegiance and supremacy; for denying access at court to all unknown or suspicious persons; and for appointing the train-bands of London and Westminster to be in readiness. The Lords

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[i] North, p. 207.

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Powis, Stafford, Arundel, Peters, and Bellasis, were committed to the Tower, and were soon after impeached for high treason. And both Houses, after hearing Oates's evidence, voted, "That the Lords and Commons are of opinion, that there hath been, and still is, a damnable and hellish plot, contrived and carried on by the popish recusants, for assassinating the king, for subverting the government, and for rooting out and destroying the Protestant religion."

So vehement were the Houses, that they sat every day, forenoon and afternoon, on the subject of the plot; for no other business could be attended to. A committee of Lords was appointed to examine prisoners and witnesses; blank warrants were put into their hands, for the commitment of such as should be accused or suspected. Oates, who, though his evidence were true, must, by his own account, be regarded as an infamous villain, was by every one applauded, caressed, and called the saviour of the nation. He was recommended by the Parliament to the king. He was lodged in Whitehall, protected by guards, and encouraged by a pension of one thousand two hundred pounds a year.

Bedloe's narrative.

It was not long before such bountiful encouragement brought forth new witnesses. William Bedloe, a man, if possible, more infamous than Oates, appeared next upon the stage. He was of very low birth, had been noted for several cheats and even thefts, had travelled over many parts of Europe under borrowed names, had frequently passed himself for a man of quality, and had endeavoured, by a variety of lies and contrivances, to prey upon the ignorant and unwary. When he appeared before the council, he gave intelligence of Godfrey's murder only, which, he said, had been perpetrated in Somerset House, where the queen lived, by Papists, some of them servants in her family. He was questioned about the plot, but utterly denied all knowledge of it, and also asserted that he had no acquaintance with Oates. Next day, when examined before the committee of Lords, he bethought himself better, and was ready to give an ample account of the plot, which he found so anxiously inquired into. This narrative he made to tally, as well as he could, with that of Oates, which had been published: but that he might make himself acceptable by new matter, he added some other circumstances, and these still more tremendous and extraordinary. He said, that ten thousand men were to be landed from Flanders in Burlington Bay, and immediately to seize Hull: that Jersey and Guernsey were to be surprised by forces from Brest; and that a French fleet was, all last summer, hovering in the channel for that purpose: that the Lords Powis and Peters were to form an army in Radnorshire, to be joined by another army, consisting of twenty or thirty thousand religious men and pilgrims, who were to land at Milford Haven from St. Iago in Spain: that there were forty thousand men ready in London; besides those who would, on the alarm, be posted at every alehouse door, in order to kill the soldiers, as they came out of their quarters: that Lord Stafford, Coleman, and Father Ireland, had money sufficient to defray the expenses of all these armaments: that he himself was to receive four thousand pounds, as one that could murder a man; as also a commission from Lord Bellasis, and a benediction from the pope: that the king was to be assassinated; all the Protestants massacred, who would not seriously be converted; the government offered to ONE, if he would consent to hold it of the church, but if he should refuse that condition, as was suspected, the supreme authority would be given to certain lords, under the nomination of the pope. In a subsequent examination before the Commons, Bedloe added, (for these men always brought out their intelligence successively and by piecemeal,) that Lord Carrington was also in the conspiracy for raising men and money against the government; as was likewise Lord Brudenel. These noblemen, with all the other persons mentioned by Bedloe, were immediately committed to custody by the Parliament.

It is remarkable, that the only resource of Spain, in her present decayed condition, lay in the assistance of England; and so far from being in a situation to transport ten thousand men for the invasion of that kingdom, she had solicited and obtained English forces to be sent into the garrisons of Flanders, which were not otherwise able to defend themselves against the French. The French too, we may observe, were at that very time in open war with Spain, and yet are supposed to be engaged in the same design against England; as if religious motives were become the sole actuating principle among sovereigns. But none of these circumstances, however obvious, were able, when set in opposition to multiplied horrors, antipathies, and prejudices, to engage the least attention of the populace; for such the whole nation were at this time become. The popish plot passed for incontestable; and had not men soon expected with certainty the legal punishment of these criminals, the Catholics had been exposed to the hazard of an universal massacre. The torrent indeed of national prejudices ran so high, that no one, without the most imminent danger, durst venture openly to oppose it: nay, scarcely any one, without great force of judgment, could even secretly entertain an opinion contrary to the prevailing sentiments. The loud and unanimous voice of a great nation has mighty authority over weak minds; and even later historians are so swayed by the concurring judgment of such multitudes, that some of them have esteemed themselves sufficiently moderate, when they affirmed that many circumstances of the plot were true, though some were added, and others much magnified. But it is an obvious principle, that a witness who perjures himself in one circumstance is credible in none: and the authority of the plot, even to the end of the prosecutions, stood entirely upon witnesses. Though the Catholics had been suddenly and unexpectedly detected, at the very moment when their conspiracy, it is said, was ripe for execution; no arms, no ammunition, no money, no commissions, no papers, no letters, after the most rigorous search, ever were discovered, to confirm the evidence of Oates and Bedloe. Yet still the nation, though often frustrated, went on in the eager pursuit and confident belief of the conspiracy: and even the manifold inconsistencies and absurdities, contained in the narratives, instead of discouraging them, served only as farther incentives to discover the bottom of the plot, and were considered as slight objections, which a more complete information would fully remove. In all history, it will be difficult to find such another instance of popular frenzy and bigoted delusion.

In order to support the panic among the people, espe-

CHAP. LXVII. 1678. cially among the citizens of London, a pamphlet was published with this title: "A narrative and impartial discovery of the horrid popish plot, carried on for burning and destroying the cities of London and Westminster, with their suburbs; and setting forth the several consults, orders, and resolutions of the Jesuits, concerning the same: by Captain William Bedloe, lately engaged in that horrid design, and one of the popish committee for carrying on such fires." Every fire which had happened for several years past is there ascribed to the machinations of the Jesuits, who purposed, as Bedloe said, by such attempts, to find an opportunity for the general massacre of the Protestants; and in the mean time, were well pleased to enrich themselves, by pilfering goods from the fire.

The king, though he scrupled not, wherever he could speak freely, to throw the highest ridicule on the plot, and on all who believed it; yet found it necessary to adopt the popular opinion before the Parliament. The torrent, he saw, ran too strong to be controlled; and he could only hope, by a seeming compliance, to be able, after some time, to guide, and direct, and elude its fury. He made, therefore, a speech to both Houses; in which he told them, that he would take the utmost care of his person during these times of danger; that he was as ready as their hearts could wish, to join with them in all means for establishing the Protestant religion, not only during his own time, but for all future ages; and that, provided the right of succession were preserved, he would consent to any laws for restraining a popish successor; and, in conclusion, he exhorted them to think of effectual means for the conviction of popish recusants; and he highly praised the duty and loyalty of all his subjects, who had discovered such anxious concern for his safety.

These gracious expressions abated nothing of the vehemence of parliamentary proceedings. A bill was introduced for a new test, in which popery was denominated idolatry; and all members who refused this test were excluded from both Houses. The bill passed the Commons without much opposition; but in the Upper House the duke moved, that an exception might be admitted in his favour. With great earnestness, and even with tears in

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his eyes, he told them that he was now to cast himself on their kindness, in the greatest concern which he could have in the world; and he protested that, whatever his religion might be, it should only be a private *thing* between God and his own soul, and never should appear in his public conduct. Notwithstanding this strong effort, in so important a point, he prevailed only by two voices; a sufficient indication of the general disposition of the people.—"I would not have," said a noble peer, in the debate on this bill, "so much as a popish man or a popish woman to remain here; not so much as a popish dog or a popish bitch; not so much as a popish cat to purr or mew about the king."—What is more extraordinary, this speech met with praise and approbation.

Encouraged by this general fury, the witnesses went still a step farther in their accusations; and though both Oates and Bedloe had often declared, that there was no other person of distinction whom they knew to be concerned in the plot, they were now so audacious as to accuse the queen herself of entering into the design against the life of her husband. The Commons, in an address to the king, gave countenance to this scandalous accusation; but the Lords would not be prevailed with to join in the address. It is here, if any where, that we may suspect the suggestions of the popular leaders to have had place. The king, it is well known, bore no great affection to his consort; and now, more than ever, when his brother and heir was so much hated, had reason to be desirous of issue, which might quiet the jealous fears of his people. This very hatred, which prevailed against the duke, would much facilitate, he knew, any expedient that could be devised for the exclusion of that prince; and nothing farther seemed requisite for the king, than to give way in this particular to the rage and fury of the nation. But Charles, notwithstanding all allurements of pleasure, or interest, or safety, had the generosity to protect his injured consort. "They think," said he, "I have a mind to a new wife; but for all that I will not see an innocent woman abused [k]." He immediately ordered Oates to be strictly confined, seized his papers, and dismissed his ser-

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[k] North's Examen, p. 186.

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vants; and this daring informer was obliged to make applications to Parliament, in order to recover his liberty.

During this agitation of men's minds, the Parliament gave new attention to the militia; a circumstance which, even during times of greatest tranquillity, can never prudently be neglected. They passed a bill, by which it was enacted that a regular militia should be kept in arms, during six weeks of the year, and a third part of them do duty every fortnight at that time. The popular leaders probably intended to make use of the general prejudices, and even to turn the arms of the people against the prince[1]. But Charles refused his assent to the bill, and told the Parliament, that he would not, were it for half an hour, part so far with the power of the sword: but if they would contrive any other bill for ordering the militia, and still leave it in his power to assemble or dismiss them as he thought proper, he would willingly give it the royal assent. The Commons, dissatisfied with this negative, though the king had never before employed that prerogative, immediately voted that all the new levied forces should be disbanded. They passed a bill, granting money for that purpose: but to show their extreme jealousy of the crown, besides appropriating the money by the strictest clauses, they ordered it to be paid, not into the exchequer, but into the chamber of London. The Lords demurred with regard to so extraordinary a clause, which threw a violent reflection on the king's ministers, and even on himself, and by that means the act remained in suspense.

Accusation of Danby.

It was no wonder that the present ferment and credulity of the nation engaged men of infamous character and indigent circumstances to become informers, when persons of rank and condition could be tempted to give in to that scandalous practice. Montague, the king's ambassador at Paris, had procured a seat in the Lower House; and without obtaining or asking the king's leave, he suddenly came over to England. Charles, suspecting his intention, ordered his papers to be seized; but Montague, who foresaw this message, had taken care to secrete one paper, which he immediately laid before the House of Commons. It was a letter from the treasurer Danby, written in the beginning of the year, during the negotiations at Nimeguen for the general peace. Montague was there directed to make a demand of money from France; or, in other words, the king was willing secretly to sell his good offices to Lewis, contrary to the general interests of the confederates, and even to those of his own kingdoms. The letter, among other particulars, contains these words: "In case the conditions of peace shall be accepted, the king expects to have six millions of livres a year for three years, from the time that this agreement shall be signed between his majesty and the King of France; because it will probably be two or three years before the Parliament will be in humour to give him any supplies after the making of any peace with France; and the ambassador here has always agreed to that sum; but not for so long a time." Danby was so unwilling to engage in this negotiation, that the king, to satisfy him, subjoined, with his own hand, these words: "This letter is writ by my order, C. R." Montague, who revealed this secret correspondence, had even the baseness to sell his base treachery at a high price to the French monarch[m].

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[1] Burnet, vol. i. p. 437.

His impeachment.

The Commons were inflamed with this intelligence against Danby; and, carrying their suspicions farther than the truth, they concluded, that the king had all along acted in concert with the French court; and that every step which he had taken in conjunction with the allies had been illusory and deceitful. Desirous of getting to the bottom of so important a secret, and being pushed by Danby's numerous enemies, they immediately voted an impeachment of high treason against that minister, and sent up six articles to the House of Peers. These articles were, that he had traitorously engrossed to himself regal power, by giving instructions to his majesty's ambassadors, without the participation of the secretaries of state, or the privy council: that he had traitorously endeavoured to subvert the government, and introduce arbitrary power; and to that end had levied and continued an army, contrary to act of Parliament: that he had traitorously endeavoured to alienate the affections of his majesty's subjects, by negotiating a disadvantageous

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[m] Appendix to Sir John Dalrymple's Memoirs.

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peace with France, and procuring money for that purpose: that he was popishly affected, and had traitorously concealed, after he had notice, the late horrid and bloody plot, contrived by the Papists against his majesty's person and government: that he had wasted the king's treasure: and that he had, by indirect means, obtained several exorbitant grants from the crown.

It is certain that the treasurer, in giving instructions to an ambassador, had exceeded the bounds of his office; and as the genius of a monarchy, strictly limited, requires that the proper minister should be answerable for every abuse of power, the Commons, though they here advanced a new pretension, might justify themselves by the utility, and even necessity of it. But in other respects their charge against Danby was very ill grounded. That minister made it appear to the House of Lords, not only that Montague, the informer against him, had all along promoted the money-negotiations with France, but that he himself was ever extremely averse to the interests of that crown, which he esteemed pernicious to his master and to his country. The French nation, he said, had always entertained, as he was certainly informed, the highest contempt, both of the king's person and government. His diligence, he added, in tracing and discovering the popish plot, was generally known; and if he had common sense, not to say common honesty, he would surely be anxious to preserve the life of a master, by whom he was so much favoured. He had wasted no treasure, because there was no treasure to waste. And though he had reason to be grateful for the king's bounty, he had made more moderate acquisitions than were generally imagined, and than others in his office had often done, even during a shorter administration.

The House of Peers plainly saw, that allowing all the charges of the Commons to be true, Danby's crime fell not under the statute of Edward III.; and though the words *treason* and *traitorously* had been carefully inserted in several articles, this appellation could not change the nature of things, or subject him to the penalties annexed to that crime. They refused, therefore, to commit Danby upon this irregular charge. The Commons insisted on their demand; and a great contest was likely to

1678. Dec. 30. Dissolution of the Long Parliament.

arise, when the king, who had already seen sufficient instances of the ill humour of the Parliament, thought proper to prorogue them. This prorogation was soon after followed by a dissolution; a desperate remedy in the present disposition of the nation. But the disease, it must be owned, the king had reason to esteem desperate. The utmost rage had been discovered by the Commons on account of the popish plot; and their fury began already to point against the royal family, if not against the throne itself. The duke had been struck at in several motions: the treasurer had been impeached: all supply had been refused, except on the most disagreeable conditions: fears, jealousies, and antipathies, were every day multiplying in Parliament: and though the people were strongly infected with the same prejudices, the king hoped, that, by dissolving the present cabals, a set of men might be chosen more moderate in their pursuits, and less tainted with the virulence of faction.

Its character.

Thus came to a period a Parliament which had sitten during the whole course of this reign, one year excepted. Its conclusion was very different from its commencement. Being elected during the joy and festivity of the restoration, it consisted almost entirely of royalists, who were disposed to support the crown by all the liberality which the habits of that age would permit. Alarmed by the alliance with France, they gradually withdrew their confidence from the king; and finding him still to persevere in a foreign interest, they proceeded to discover symptoms of the most refractory and most jealous disposition. The popish plot pushed them beyond all bounds of moderation; and before their dissolution they seemed to be treading fast in the footsteps of the last Long Parliament, on whose conduct they threw at first such violent blame. In all their variations they had still followed the opinions and prejudices of the nation, and ever seemed to be more governed by humour and party views than by public interest, and more by public interest than by any corrupt or private influence.

During the sitting of the Parliament, and after its prorogation and dissolution, the trials of the pretended criminals were carried on, and the courts of judicature, places which, if possible, ought to be kept more pure from

1678. Trial of Coleman.

injustice than even national assemblies themselves, were strongly infected with the same party rage and bigoted prejudices. Coleman, the most obnoxious of the conspirators, was first brought to his trial. His letters were produced against him. They contained, as he himself confessed, much indiscretion: but, unless so far as it is illegal to be a zealous Catholic, they seemed to prove nothing criminal, much less treasonable, against him. Oates and Bedloe deposed, that he had received a commission, signed by the superior of the Jesuits, to be papal secretary of state, and had consented to the poisoning, shooting, and stabbing of the king: he had even, according to Oates's deposition, advanced a guinea to promote those bloody purposes. These wild stories were confounded with the projects contained in his letters; and Coleman received sentence of death. The sentence was soon after executed upon him [n]. He suffered with calmness and constancy, and to the last persisted in the strongest protestations of his innocence.

Of Ireland.

Coleman's execution was succeeded by the trial of Father Ireland, who, it is pretended, had signed, together with fifty Jesuits, the great resolution of murdering the king. Grove and Pickering, who had undertaken to shoot him, were tried at the same time. The only witnesses against the prisoners were still Oates and Bedloe. Ireland affirmed that he was in Staffordshire all the month of August last, a time when Oates's evidence made him in London. He proved his assertion by good evidence, and would have proved it by undoubted, had he not most iniquitously been debarred, while in prison, from all use of pen, ink, and paper, and denied the liberty of sending for witnesses. All these men, before their arraignment, were condemned in the opinion of the judges, jury, and spectators; and to be a Jesuit, or even a Catholic, was of itself a sufficient proof of guilt. The chief justice [o], in particular, gave sanction to all the narrow prejudices and bigoted fury of the populace. Instead of being counsel for the prisoners, as his office required, he pleaded the cause against them, browbeat their witnesses, and on every occasion represented their guilt as certain and uncontroverted. He even went so far as publicly to affirm,

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[n] 3d of December.

[o] Sir William Scroggs.

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that the Papists had not the same principles which Protestants have, and therefore were not entitled to that common *credence*, which the principles and practices of the latter called for: and when the jury brought in their verdict against the prisoners, he said, "You have done, gentlemen, like very good subjects, and very good Christians; that is to say, like very good Protestants: and now much good may their thirty thousand masses do them!" alluding to the masses by which Pickering was to be rewarded for murdering the king. All these unhappy men went to execution protesting their innocence; a circumstance which made no impression on the spectators. The opinion that the Jesuits allowed of lies and mental reservations, for promoting a good cause, was at this time so universally received, that no credit was given to testimony delivered either by that order or by any of their disciples. It was forgotten that all the conspirators engaged in the gunpowder treason, and Garnet, the Jesuit, among the rest, had freely, on the scaffold, made confession of their guilt.

1679. 14th Jan.

Though Bedloe had given information of Godfrey's murder, he still remained a single evidence against the persons accused; and all the allurements of profit and honour had not hitherto tempted any one to confirm the testimony of that informer. At last means were found to complete the legal evidence. One Prance, a silversmith and a Catholic, had been accused by Bedloe of being an accomplice in the murder; and upon his denial had been thrown into prison, loaded with heavy irons, and confined to the condemned hole; a place cold, dark, and full of nastiness. Such rigours were supposed to be exercised by orders from the secret committee of Lords, particularly Shaftesbury and Buckingham; who, in examining the prisoners, usually employed (as it is said, and indeed sufficiently proved) threatenings and promises, rigour and indulgence, and every art, under pretence of extorting the truth from them. Prance had not courage to resist, but confessed himself an accomplice in Godfrey's murder. Being asked concerning the plot, he also thought proper to be acquainted with it, and conveyed some intelligence to the council. Among other absurd circumstances, he said that one Le Fevre

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bought a second-hand sword of him, because he knew not, as he said, what times were at hand: and Prance, expressing some concern for poor tradesmen, if such times came, Le Fevre replied, that it would be better for tradesmen if the Catholic religion were restored; and particularly that there would be more church work for silversmiths. All this information, with regard to the plot, as well as the murder of Godfrey, Prance solemnly retracted, both before the king and the secret committee; but being again thrown into prison, he was induced, by new terrors, and new sufferings, to confirm his first information, and was now produced as a sufficient evidence.

Hill, Green, and Berry were tried for Godfrey's murder; all of them men of low stations. Hill was servant to a physician: the other two belonged to the popish chapel at Somerset-house. It is needless to run over all the particulars of a long trial: it will be sufficient to say, that Bedloe's evidence and Prance's were, in many circumstances, totally irreconcilable; that both of them laboured under insurmountable difficulties, not to say gross absurdities; and that they were invalidated by contrary evidence, which is altogether convincing. But all was in vain: the prisoners were condemned and executed. They all denied their guilt at their execution; and as Berry died a Protestant, this circumstance was regarded as very considerable: but, instead of its giving some check to the general credulity of the people, men were only surprised that a Protestant could be induced, at his death, to persist in so manifest a falsehood.

Feb. 21 and 28.

As the army could neither be kept up nor disbanded without money, the king, how little hopes soever he could entertain of more compliance, found himself obliged to summon a new Parliament. The blood already shed on account of the popish plot, instead of satiating the people, served only as an incentive to their fury; and each conviction of a criminal was hitherto regarded as a new proof of those horrible designs imputed to the Papists. This election is perhaps the first in England which, since the commencement of the monarchy, had been carried on by a violent contest between the parties, and where the court interested itself, to a high degree, in

New elections

the choice of the national representatives. But all its efforts were fruitless, in opposition to the torrent of prejudices which prevailed. Religion, liberty, property, even the lives of men, were now supposed to be at stake; and no security, it was thought, except in a vigilant Parliament, could be found against the impious and bloody conspirators. Were there any part of the nation to which the ferment, occasioned by the popish plot, had not as yet propagated itself; the new elections, by interesting the whole people in public concerns, tended to diffuse it into the remotest corner; and the consternation universally excited proved an excellent engine for influencing the electors. All the zealots of the former Parliament were rechosen: new ones were added: the presbyterians, in particular, being transported with the most inveterate antipathy against popery, were very active and very successful in the elections. That party, it is said, first began at this time the abuse of splitting their freeholds in order to multiply votes and electors. By accounts which came from every part of England, it was concluded, that the new representatives would, if possible, exceed the old, in their refractory opposition to the court, and furious persecution of the Catholics.

The king was alarmed when he saw so dreadful a tempest arise from such small and unaccountable beginnings. His life, if Oates and Bedloe's information were true, had been aimed at by the Catholics: even the duke's was in danger. The higher, therefore, the rage mounted against popery, the more should the nation have been reconciled to these princes, in whom, it appeared, the church of Rome reposed no confidence. But there is a sophistry which attends all the passions, especially those into which the populace enter. Men gave credit to the informers, so far as concerned the guilt of the Catholics. But they still retained their old suspicions, that these religionists were secretly favoured by the king, and had obtained the most entire ascendant over his brother. Charles had too much penetration not to see the danger to which the succession, and even his own crown and dignity, now stood exposed. A numerous party, he found, was formed against him; on the one hand, composed of a populace, so credulous from prejudice, so

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blinded with religious antipathy, as implicitly to believe the most palpable absurdities; and conducted, on the other hand, by leaders so little scrupulous, as to endeavour, by encouraging perjury, subornation, lies, impostures, and even by shedding innocent blood, to gratify their own furious ambition, and subvert all legal authority. Roused from his lethargy by so imminent a peril, he began to exert that vigour of mind, of which, on great occasions, he was not destitute; and without quitting, in appearance, his usual facility of temper, he collected an industry, firmness, and vigilance, of which he was believed altogether incapable. These qualities, joined to dexterity and prudence, conducted him happily through the many shoals which surrounded him; and he was at last able to make the storm fall on the heads of those who had blindly raised or artfully conducted it.

One chief step which the king took, towards gratifying and appeasing his people and Parliament, was desiring the duke to withdraw beyond sea, that no farther suspicion might remain of the influence of popish counsels. The duke readily complied; but first required an order for that purpose, signed by the king, lest his absenting himself should be interpreted as a proof of fear or of guilt. He also desired that his brother should satisfy him, as well as the public, by a declaration of the illegitimacy of the Duke of Monmouth.

Duke of Monmouth.

James, Duke of Monmouth, was the king's natural son by Lucy Walters, and born about ten years before the restoration. He possessed all the qualities which could engage the affections of the populace; a distinguished valour, an affable address, a thoughtless generosity, a graceful person. He rose still higher in the public favour by reason of the universal hatred to which the duke, on account of his religion, was exposed. Monmouth's capacity was mean; his temper pliant: so that, notwithstanding his great popularity, he had never been dangerous, had he not implicitly resigned himself to the guidance of Shaftesbury, a man of such a restless temper, such subtle wit, and such abandoned principles. That daring politician had flattered Monmouth with the hopes of succeeding to the crown. The story of a contract of marriage passed between the king and Monmouth's mother, and secretly kept in a certain *black box*, had been industriously spread abroad, and was greedily received by the multitude. As the horrors of popery still pressed harder on them, they might be induced either to adopt that fiction, as they had already done many others more incredible, or to commit open violation on the right of succession: and it would not be difficult, it was hoped, to persuade the king, who was extremely fond of his son, to give him the preference above a brother, who, by his imprudent bigotry, had involved him in such inextricable difficulties. But Charles, in order to cut off all such expectations, as well as to remove the duke's apprehensions, took care, in full council, to make a declaration of Monmouth's illegitimacy, and to deny all promise of marriage with his mother. The duke, being gratified in so reasonable a request, willingly complied with the king's desire, and retired to Brussels.

Duke of York retires to Brussels.

March 6. New Parliament.

But the king soon found, that notwithstanding this precaution, notwithstanding his concurrence in the prosecution of the popish plot, notwithstanding the zeal which he expressed, and even at this time exercised, against the Catholics; he had nowise obtained the confidence of his Parliament. The refractory humour of the Lower House appeared in the first step which they took upon their assembling. It had ever been usual for the Commons, in the election of their speaker, to consult the inclinations of their sovereign, and even the Long Parliament in 1641 had not thought proper to depart from so established a custom. The king now desired that the choice should fall on Sir Thomas Meres: but Seymour, speaker to the last Parliament, was instantly called to the chair, by a vote which seemed unanimous. The king, when Seymour was presented to him for his approbation, rejected him, and ordered the Commons to proceed to a new choice. A great flame was excited. The Commons maintained, that the king's approbation was merely a matter of form, and that he could not, without giving a reason, reject the speaker chosen: the king, that since he had the power of rejecting, he might, if he pleased, keep the reason in his own breast. As the question had never before been started, it might seem difficult to find

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principles upon which it could be decided[p]. By way of compromise, it was agreed to set aside both candidates. Gregory, a lawyer, was chosen; and the election was ratified by the king. It has ever since been understood that the choice of the speaker lies in the House; but that the king retains the power of rejecting any person disagreeable to him.

Danby's impeachment.

Seymour was deemed a great enemy to Danby; and it was the influence of that nobleman, as commonly supposed, which had engaged the king to enter into this ill-timed controversy with the Commons. The impeachment, therefore, of Danby was, on that account, the sooner revived; and it was maintained by the Commons, that notwithstanding the intervening dissolution, every part of that proceeding stood in the same condition in which it had been left by the last Parliament; a pretension, which, though unusual, seems tacitly to have been yielded them. The king had, beforehand, had the precaution to grant a pardon to Danby; and, in order to screen the chancellor from all attacks by the Commons, he had taken the great seal into his own hands, and had himself affixed it to the parchment. He told the Parliament that, as Danby had acted in every thing by his orders, he was in no respect criminal; that his pardon, however, he would insist upon; and if it should be found anywise defective in form, he would renew it again and again, till it should be rendered entirely complete; but that he was resolved to deprive him of all employments, and to remove him from court.

The Commons were nowise satisfied with this concession. They pretended, that no pardon of the crown could be pleaded in bar of an impeachment by the Commons. The prerogative of mercy had hitherto been understood to be altogether unlimited in the king; and this pretension of the Commons, it must be confessed, was entirely new. It was, however, not unsuitable to the genius of a monarchy strictly limited, where the king's ministers are supposed to be for ever accountable to national assemblies, even for such abuses of power as they may commit by orders from their master. The present emergence, while the nation was so highly inflamed, was the proper time for pushing such popular claims; and the Commons failed not to avail themselves of this advantage. They still insisted on the impeachment of Danby. The Peers, in compliance with them, departed from their former scruples, and ordered Danby to be taken into custody. Danby absconded. The Commons passed a bill, appointing him to surrender himself before a certain day, or in default of it, attainting him. A bill had passed the Upper House, mitigating the penalty to banishment; but, after some conferences, the Peers thought proper to yield to the violence of the Commons, and the bill of attainder was carried. Rather than undergo such severe penalties, Danby appeared, and was immediately committed to the Tower.

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[p] In 1566, the speaker said to Queen Elizabeth, that without her allowance the election of the House was of no significance. D'Ewes's Journal, p. 97. In the Parliament 1592, 1593, the speaker, who was Sir Edward Coke, advances a like position. D'Ewes, p. 459. Townshend, p. 35. So that this pretension of the Commons seems to have been somewhat new, like many of their other powers and privileges.

Popish plot.

While a Protestant nobleman met with such violent prosecution, it was not likely that the Catholics would be overlooked by the zealous Commons. The credit of the popish plot still stood upon the oaths of a few infamous witnesses. Though such immense preparations were supposed to have been made in the very bowels of the kingdom, no traces of them, after the most rigorous inquiry, had as yet appeared. Though so many thousands, both abroad and at home, had been engaged in the dreadful secret; neither hope, nor fear, nor remorse, nor levity, nor suspicions, nor private resentment, had engaged any one to confirm the evidence. Though the Catholics, particularly the Jesuits, were represented as guilty of the utmost indiscretion, insomuch that they talked of the king's murder as common news, and wrote of it in plain terms by the common post; yet, among the great number of letters seized, no one contained any part of so complicated a conspiracy. Though the informers pretended that, even after they had resolved to betray the secret, many treasonable commissions and papers had passed through their hands; they had not had the precaution to keep any one of them in order to fortify their evidence. But all these difficulties, and a thousand more, CHAP. LXVII. 1679.

were not found too hard of digestion by the nation and Parliament. The prosecution and farther discovery of the plot were still the object of general concern. The Commons voted that, if the king should come to an untimely end, they would revenge his death upon the Papists; not reflecting that this sect were not his only enemies. They promised rewards to new discoverers; not considering the danger, which they incurred, of granting bribes to perjury. They made Bedloe a present of five hundred pounds, and particularly recommended the care of his safety to the Duke of Monmouth. Colonel Sackville, a member, having, in a private company, spoken opprobriously of those who affirmed that there was any plot, was expelled the House. The Peers gave power to their committees to send for and examine such as would maintain the innocence of those who had been condemned for the plot. A pamphlet having been published to discredit the informers, and to vindicate the Catholic lords in the Tower, these lords were required to discover the author, and thereby to expose their own advocate to prosecution. And both Houses concurred in renewing the former vote, that the Papists had undoubtedly entered into a *horrid* and *treasonable* conspiracy against the king, the state, and the Protestant religion.

It must be owned that this extreme violence, in prosecution of so absurd an imposture, disgraces the noble cause of liberty in which the Parliament was engaged. We may even conclude from such impatience of contradiction, that the prosecutors themselves retained a secret suspicion that the general belief was but ill-grounded. The politicians among them were afraid to let in light, lest it might put an end to so useful a delusion: the weaker and less dishonest party took care, by turning their eyes aside, not to see a truth so opposite to those furious passions, by which they were actuated, and in which they were determined obstinately to persevere.

Sir William Temple had lately been recalled from his foreign employments; and the king, who, after the removal of Danby, had no one with whom he could so much as discourse with freedom of public affairs, was resolved, upon Coventry's dismission, to make him one of his secretaries of state. But that philosophical patriot, too little interested for the intrigues of a court, too full of spleen and delicacy for the noisy turbulence of popular assemblies, was alarmed at the universal discontents and jealousies which prevailed, and was determined to make his retreat, as soon as possible, from a scene which threatened such confusion. Meanwhile he could not refuse the confidence with which his master honoured him; and he resolved to employ it to the public service. He represented to the king, that, as the jealousies of the nation were extreme, it was necessary to cure them by some new remedy, and to restore that mutual confidence so requisite for the safety both of king and people: that to refuse every thing to the Parliament in their present disposition, or to yield every thing, was equally dangerous to the constitution, as well as to public tranquillity: that if the king would introduce into his councils such men as enjoyed the confidence of his people, fewer concessions would probably be required; or if unreasonable demands were made, the king, under the sanction of such counsellors, might be enabled with the greater safety to refuse them: and that the heads of the popular party, being gratified with the king's favour, would probably abate of that violence by which they endeavoured at present to pay court to the multitude.

New council.

The king assented to these reasons; and in concert with Temple, he laid the plan of a new privy-council, without whose advice he declared himself determined for the future to take no measure of importance. This council was to consist of thirty persons, and was never to exceed that number. Fifteen of the chief officers of the crown were to be continued, who, it was supposed, would adhere to the king, and, in case of any extremity, oppose the exorbitancies of faction. The other half of the council was to be composed, either of men of character, detached from the court, or of those who possessed chief credit in both Houses. And the king, in filling up the names of his new council, was well pleased to find that the members, in land and offices, possessed to the amount of three hundred thousand pounds a year; a sum nearly equal to the whole property of the House of Commons, against whose violence the new council was intended as a barrier to the throne[q].

1679. This experiment was tried, and seemed at first to give some satisfaction to the public. The Earl of Essex, a nobleman of the popular party, son of that Lord Capel who had been beheaded a little after the late king, was created treasurer in the room of Danby: the Earl of Sunderland, a man of intrigue and capacity, was made secretary of state: Viscount Halifax, a fine genius, possessed of learning, eloquence, industry, but subject to inquietude, and fond of refinements, was admitted into the council. These three, together with Temple, who often joined them, though he kept himself more detached from public business, formed a kind of cabinet council, from which all affairs received their first digestion. Shaftesbury was made president of the council, contrary to the advice of Temple, who foretold the consequence of admitting a man of so dangerous a character into any part of the public administration.

As Temple foresaw, it happened. Shaftesbury, finding that he possessed no more than the appearance of court favour, was resolved still to adhere to the popular party, by whose attachment he enjoyed an undisputed superiority in the Lower House, and possessed great influence in the other. The very appearance of court favour, empty as it was, tended to render him more dangerous. His partisans, observing the progress which he had already made, hoped that he would soon acquire the entire ascendant; and he constantly flattered them, that if they persisted in their purpose, the king, from indolence and necessity, and fondness for Monmouth, would at last be induced, even at the expense of his brother's right, to make them every concession.

Besides, the antipathy to popery, as well as jealousy of the king and duke, had taken too fast possession of men's minds, to be removed by so feeble a remedy as this new council projected by Temple. The Commons, soon after the establishment of that council, proceeded so far as to vote unanimously, "That the Duke of York's being a Papist, and the hopes of his coming to the crown, had given the highest countenance to the present conspiracies and designs of the Papists against the king and the Protestant religion." It was expected that a bill for excluding him the throne would soon be brought in. To prevent this bold measure, the king concerted some limitations, which he proposed to the Parliament. He introduced his plan by the following gracious expressions: "And to show you that, while you are doing your parts, my thoughts have not been misemployed, but that it is my constant care to do every thing that may preserve your religion, and secure it for the future in all events, I have commanded my lord chancellor to mention several particulars, which, I hope, will be an evidence that, in all things which concern the public security, I shall not follow your zeal, but lead it."

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[q] Their names were: Prince Rupert, the Archbishop of Canterbury, Lord Finch, chancellor; Earl of Shaftesbury, president; Earl of Anglesea, privy seal; Duke of Albemarle, Duke of Monmouth, Duke of Newcastle, Duke of Lauderdale, Duke of Ormond, Marquis of Winchester, Marquis of Worcester, Earl of Arlington, Earl of Salisbury, Earl of Bridgewater, Earl of Sunderland, Earl of Essex, Earl of Bath, Viscount Fauconberg, Viscount Halifax, Bishop of London, Lord Robarts, Lord Hollis, Lord Russel, Lord Cavendish, Secretary Coventry, Sir Francis North, chief justice; Sir Henry Capel, Sir John Ernley, Sir Thomas Chicheley, Sir William Temple, Edward Seymour, Henry Powle.

Limitations on a popish successor.

The limitations projected were of the utmost importance, and deprived the successor of the chief branches of royalty. A method was there chalked out, by which the nation, on every new reign, could be ensured of having a Parliament which the king should not, for a certain time, have it in his power to dissolve. In case of a popish successor, the prince was to forfeit the right of conferring any ecclesiastical preferments: no member of the privy council, no judge of the common law, or in chancery, was to be put in or displaced but by consent of Parliament: and the same precaution was extended to the military part of the government; to the lord lieutenants and deputy lieutenants of the counties, and to all officers of the navy. The chancellor himself added, "It is hard to invent another restraint; considering how much the revenue will depend upon the consent of Parliament, and how impossible it is to raise money without such consent. But yet, if any thing else can occur to the wisdom of Parliament, which may farther secure religion and liberty against a popish successor, without defeating the right of succession itself, his majesty will readily consent to it."

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It is remarkable, that, when these limitations were first laid before the council, Shaftesbury and Temple were the only members who argued against them. The reasons which they employed were diametrically opposite. Shaftesbury's opinion was, that the restraints were insufficient; and that nothing but the total exclusion of the duke could give a proper security to the kingdom. Temple, on the other hand, thought that the restraints were so rigorous as even to subvert the constitution; and that shackles, put upon a popish successor, would not afterwards be easily cast off by a Protestant. It is certain that the duke was extremely alarmed when he heard of this step taken by the king, and that he was better pleased even with the bill of exclusion itself, which he thought, by reason of its violence and injustice, could never possibly be carried into execution. There is also reason to believe that the king would not have gone so far, had he not expected, from the extreme fury of the Commons, that his concessions would be rejected; and that the blame of not forming a reasonable accommodation would by that means lie entirely at their door.

It soon appeared that Charles had entertained a just opinion of the dispositions of the House. So much were the Commons actuated by the cabals of Shaftesbury and other malecontents; such violent antipathy prevailed against popery, that the king's concessions, though much more important than could reasonably have been expected, were not embraced. A bill was brought in for the total exclusion of the duke from the crown of England and Ireland. It was there declared, that the sovereignty of these kingdoms, upon the king's death or resignation, should devolve to the person next in succession after the duke; that all acts of royalty which that prince should afterwards perform should not only be void but be deemed treason; that if he so much as entered any of these dominions, he should be deemed guilty of the same offence; and that all who supported his title should be punished as rebels and traitors. This important bill, which implied banishment as well as exclusion, passed the Lower House by a majority of seventy-nine.

Bill of exclusion.

The Commons were not so wholly employed about the exclusion bill as to overlook all other securities to liberty.

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The country party, during all the last Parliament, had much exclaimed against the bribery and corruption of the members; and the same reproach had been renewed against the present Parliament. An inquiry was made into a complaint which was so dangerous to the honour of that assembly, but very little foundation was found for it. Sir Stephen Fox, who was the paymaster, confessed to the House, that nine members received pensions to the amount of three thousand four hundred pounds: and after a rigorous inquiry by a secret committee, eight more pensioners were discovered. A sum, also, about twelve thousand pounds, had been occasionally given or lent to others. The writers of that age pretend that Clifford and Danby had adopted opposite maxims with regard to pecuniary influence. The former endeavoured to gain the leaders and orators of the House, and deemed the others of no consequence. The latter thought it sufficient to gain a majority, however composed. It is likely that the means, rather than the intention, were wanting to both these ministers.

Pensions and bribes, though it be difficult entirely to exclude them, are dangerous expedients for government; and cannot be too carefully guarded against, nor too vehemently decried, by every one who has a regard to the virtue and liberty of a nation. The influence, however, which the crown acquires from the disposal of places, honours, and preferments, is to be esteemed of a different nature. This engine of power may become too forcible, but it cannot altogether be abolished, without the total destruction of monarchy, and even of all regular authority. But the Commons at this time were so jealous of the crown, that they brought in a bill, which was twice read, excluding from the Lower House all who possessed any lucrative office.

The standing army, and the king's guards, were by the Commons voted to be illegal: a new pretension, it must be confessed; but necessary for the full security of liberty and a limited constitution.

Habeas corpus bill.

Arbitrary imprisonment is a grievance which, in some degree, has place almost in every government, except in that of Great Britain; and our absolute security from it we owe chiefly to the present Parliament; a merit which

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makes some atonement for the faction and violence into which their prejudices had, in other particulars, betrayed them. The great charter had laid the foundation of this valuable part of liberty; the petition of right had renewed and extended it; but some provisions were still wanting to render it complete, and prevent all evasion or delay from ministers and judges. The act of *habeas corpus*, which passed this session, served these purposes. By this act it was prohibited to send any one to a prison beyond sea. No judge, under severe penalties, must refuse to any prisoner a writ of *habeas corpus*, by which the gaoler was directed to produce in court the body of the prisoner, (whence the writ has its name,) and to certify the cause of his detainer and imprisonment. If the gaol lie within twenty miles of the judge, the writ must be obeyed in three days; and so proportionably for greater distances: every prisoner must be indicted the first term after his commitment, and brought to trial in the subsequent term. And no man, after being enlarged by order of court, can be recommitted for the same offence. This law seems necessary for the protection of liberty in a mixed monarchy; and as it has not place in any other form of government, this consideration alone may induce us to prefer our present constitution to all others. It must, however, be confessed, that there is some difficulty to reconcile with such extreme liberty the full security and the regular police of a state, especially the police of great cities. It may also be doubted, whether the low state of the public revenue in this period, and of the military power, did not still render some discretionary authority in the crown necessary to the support of government.

During these zealous efforts for the protection of liberty, no complaisance for the crown was discovered by this Parliament. The king's revenue lay under great debts and anticipations: those branches granted in the year 1669 and 1670 were ready to expire: and the fleet was represented by the king as in great decay and disorder. But the Commons, instead of being affected by these distresses of the crown, trusted chiefly to them for passing the exclusion bill, and for punishing and displacing all the ministers who were obnoxious to them. They were therefore in no haste to relieve the king; and

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grew only the more assuming on account of his complaints and uneasiness. Jealous, however, of the army, they granted the same sum of two hundred and six thousand pounds, which had been voted for disbanding it by the last Parliament; though the vote, by reason of the subsequent prorogation and dissolution, joined to some scruples of the Lords, had not been carried into an act. This money was appropriated by very strict clauses; but the Commons insisted not, as formerly, upon its being paid into the chamber of London.

The impeachment of the five popish lords in the Tower, with that of the Earl of Danby, was carried on with vigour. The power of this minister, and his credit with the king, rendered him extremely obnoxious to the popular leaders; and the Commons hoped that, if he were pushed to extremity, he would be obliged, in order to justify his own conduct, to lay open the whole intrigue of the French alliance, which they suspected to contain a secret of the most dangerous nature. The king, on his part, apprehensive of the same consequences, and desirous to protect his minister, who was become criminal merely by obeying orders, employed his whole interest to support the validity of that pardon which had been granted him. The Lords appointed a day for the examination of the question, and agreed to hear counsel on both sides: but the Commons would not submit their pretensions to the discussion of argument and inquiry. They voted, that whoever should presume, without their leave, to maintain before the House of Peers the validity of Danby's pardon, should be accounted a betrayer of the liberties of the English Commons. And they made a demand that the bishops, whom they knew to be devoted to the court, should be removed, not only when the trial of the earl should commence, but also when the validity of his pardon should be discussed.

The bishops before the reformation had always enjoyed a seat in parliament; but so far were they anciently from regarding that dignity as a privilege, that they affected rather to form a separate order in the state, independent of the civil magistrate, and accountable only to the pope and to their own order. By the constitutions, however, of Clarendon, enacted during the reign of Henry II., they were obliged to give their presence in Parliament; but

1679. as the canon law prohibited them from assisting in capital trials, they were allowed in such cases the privilege of absenting themselves. A practice, which was at first voluntary, became afterwards a rule; and on the Earl of Strafford's trial, the bishops, who would gladly have attended, and who were no longer bound by the canon law, were yet obliged to withdraw. It had been usual for them to enter a protest, asserting their right to sit; and this protest, being considered as a mere form, was always admitted and disregarded. But here was started a new question, of no small importance. The Commons, who were now enabled, by the violence of the people and the necessities of the crown, to make new acquisitions of powers and privileges, insisted that the bishops had no more title to vote in the question of the earl's pardon than in the impeachment itself. The bishops asserted that the pardon was merely a preliminary; and that, neither by the canon law nor the practice of Parliament, were they ever obliged, in capital cases, to withdraw till the very commencement of the trial itself. If their absence were considered as a privilege, which was its real origin, it depended on their own choice how far they would insist upon it. If regarded as a diminution of their right of peerage, such unfavourable customs ought never to be extended beyond the very circumstance established by them; and all arguments, from a pretended parity of reason, were in that case of little or no authority.

The House of Lords was so much influenced by these reasons, that they admitted the bishops' right to vote, when the validity of the pardon should be examined. The Commons insisted still on their withdrawing; and thus a quarrel being commenced between the two Houses, the king, who expected nothing but fresh instances of violence from this Parliament, began to entertain thoughts of laying hold of so favourable a pretence, and of finishing the session by a prorogation. While in this disposition, he was alarmed with sudden intelligence, that the House of Commons was preparing a remonstrance, in order
27th May. to inflame the nation still farther upon the favourite topics of the plot and of popery. He hastened, therefore, to execute his intention, even without consulting his new council, by whose advice he had promised to regulate his

whole conduct. And thus were disappointed all the projects of the malecontents, who were extremely enraged at this vigorous measure of the king's. Shaftesbury publicly threatened that he would have the head of whoever had advised it. The Parliament was soon after dissolved without advice of council; and writs were issued for a new Parliament. The king was willing to try every means which gave a prospect of more compliance in his subjects; and, in case of failure, the blame, he hoped, would lie on those whose obstinacy forced him to extremities.

Prorogation and dissolution of the Parliament. 10th July.

But even during the recess of Parliament, there was no interruption to the prosecution of the Catholics accused of the plot: the king found himself obliged to give way to this popular fury. Whitebread, provincial of the Jesuits, Fenwick, Gavan, Turner, and Harcourt, all of them of the same order, were first brought to their trial. Besides Oates and Bedloe, Dugdale, a new witness, appeared against the prisoners. This man had been steward to Lord Aston, and, though poor, possessed a character somewhat more reputable than the other two: but his account of the intended massacres and assassinations was equally monstrous and incredible. He even asserted that two hundred thousand Papists in England were ready to take arms. The prisoners proved, by sixteen witnesses from St. Omer's, students, and most of them young men of family, that Oates was in that seminary at the time when he swore that he was in London: but as they were Catholics, and disciples of the Jesuits, their testimony, both with the judges and jury, was totally disregarded. Even the reception which they met with in court was full of outrage and mockery. One of them saying that Oates always continued at St. Omer's, if he could believe his senses: "You Papists," said the chief justice, "are taught not to believe your senses." It must be confessed that Oates, in opposition to the students of St. Omer's, found means to bring evidence of his having been at the time in London: but this evidence, though it had, at that time, the appearance of some solidity, was afterwards discovered, when Oates himself was tried for perjury, to be altogether deceitful. In order farther to discredit that witness, the Jesuits proved, by undoubted

Trial and execution of the five Jesuits,

testimony, that he had perjured himself in Father Ireland's trial, whom they showed to have been in Staffordshire at the very time when Oates swore that he was committing treason in London. But all these pleas availed them nothing against the general prejudices. They received sentence of death; and were executed, persisting to their last breath in the most solemn, earnest, and deliberate, though disregarded, protestations of their innocence.

and of Langhorne.

The next trial was that of Langhorne, an eminent lawyer, by whom all the concerns of the Jesuits were managed. Oates and Bedloe swore, that all the papal commissions, by which the chief offices in England were filled with Catholics, passed through his hands. When verdict was given against the prisoner, the spectators expressed their savage joy by loud acclamations. So high indeed had the popular rage mounted, that the witnesses for this unhappy man, on approaching the court, were almost torn in pieces by the rabble: one in particular was bruised to such a degree as to put his life in danger: and another, a woman, declared that, unless the court would afford her protection, she durst not give evidence: but as the judges could go no farther than promise to punish such as should do her any injury, the prisoner himself had the humanity to wave her testimony.

So far the informers had proceeded with success: their accusation was hitherto equivalent to a sentence of death. The first check which they received was on the trial of Sir George Wakeman, the queen's physician, whom they accused of an intention to poison the king. It was a strong circumstance in favour of Wakeman, that Oates, in his first information before the council, had accused him only upon hearsay; and when asked by the chancellor, whether he had any thing farther to charge him with? he added, "God forbid I should say any thing against Sir George: for I know nothing more against him." On the trial he gave positive evidence of the prisoner's guilt. There were many other circumstances which favoured Wakeman: but what chiefly contributed to his acquittal, was the connexion of his cause with that of the queen, whom no one, even during the highest prejudices of the times, could sincerely believe guilty. The great importance of

Wakeman acquitted, 18th July.

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the trial made men recollect themselves, and recall that good sense and humanity which seemed, during some time, to have abandoned the nation. The chief justice himself, who had hitherto favoured the witnesses, exaggerated the plot, and railed against the prisoners, was observed to be considerably mollified, and to give a favourable charge to the jury. Oates and Bedloe had the assurance to attack him to his face, and even to accuse him of partiality before the council. The whole party, who had formerly much extolled his conduct, now made him the object of their resentment. Wakeman's acquittal was, indeed, a sensible mortification to the furious prosecutors of the plot, and fixed an indelible stain upon the witnesses. But Wakeman, after he recovered his liberty, finding himself exposed to such inveterate enmity, and being threatened with farther prosecutions, thought it prudent to retire beyond sea: and his flight was interpreted as a proof of guilt, by those who were still resolved to persist in the belief of the conspiracy.

State of affairs in Scotland.

The great discontents in England, and the refractory disposition of the Parliament, drew the attention of the Scottish covenanters, and gave them a prospect of some time putting an end to those oppressions, under which they had so long laboured. It was suspected to have been the policy of Lauderdale and his associates to push these unhappy men to extremities, and force them into rebellion, with a view of reaping profit from the forfeitures and attainders which would ensue upon it. But the covenanters, aware of this policy, had hitherto forborne all acts of hostility; and that tyrannical minister had failed of his purpose. An incident at last happened, which brought on an insurrection in that country.

The covenanters were much enraged against Sharpe, the primate, whom they considered as an apostate from their principles, and whom they experienced to be an unrelenting persecutor of all those who dissented from the established worship. He had an officer under him, one Carmichael, no less zealous than himself against conventicles, and who by his violent prosecutions had rendered himself extremely obnoxious to the fanatics. A company of these had waylaid him on the road near

St. Andrew's, with an intention, if not of killing him, at least of chastising him so severely as would afterwards render him more cautious in persecuting the nonconformists[r]. While looking out for their prey, they were surprised at seeing the archbishop's coach pass by; and they immediately interpreted this incident as a declaration of the secret purpose of Providence against him. But when they observed that almost all his servants, by some accident, were absent, they no longer doubted but Heaven had here delivered their capital enemy into their hands. Without farther deliberation, they fell upon him, dragged him from his coach, tore him from the arms of his daughter, who interposed with cries and tears, and piercing him with redoubled wounds, left him dead on the spot, and immediately dispersed themselves.

This atrocious action served the ministry as a pretence for a more violent persecution against the fanatics, on whom, without distinction, they threw the guilt of those furious assassins. It is indeed certain, that the murder of Sharpe had excited an universal joy among the covenanters, and that their blind zeal had often led them, in their books and sermons, to praise and recommend the assassination of their enemies, whom they considered as the enemies of all true piety and godliness. The stories of Jael and Sisera, of Ehud and Eglon, resounded from every pulpit. The officers, quartered in the west, received more strict orders to find out and disperse all conventicles; and for that reason the covenanters, instead of meeting in small bodies, were obliged to celebrate their worship in numerous assemblies, and to bring arms for their security. At Rutherglen, a small borough near Glasgow, they openly set forth a declaration against prelacy; and in the market-place burned several acts of Parliament and acts of council, which had established that mode of ecclesiastical government, and had prohibited conventicles. For this insult on the supreme authority, they purposely chose the 29th of May, the anniversary of the restoration; and previously extinguished the bonfires which had been kindled for that solemnity.

Captain Graham, afterwards Viscount Dundee, an

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[r] Wodrow's History of the Sufferings of the Church of Scotland, vol. ii. p. 28.

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active and enterprising officer, attacked a great conventicle upon Loudin-hill, and was repulsed with the loss of thirty men. The covenanters, finding that they were unwarily involved in such deep guilt, were engaged to persevere, and to seek, from their valour and fortune alone, for that indemnity, which the severity of the government left them no hopes of ever being able otherwise to obtain. They pushed on to Glasgow; and though at first repulsed, they afterwards made themselves masters of that city; dispossessed the established clergy, and issued proclamations, in which they declared that they fought against the king's supremacy, against popery and prelacy, and against a popish successor.

How accidental soever this insurrection might appear, there is reason to suspect that some great men, in combination with the popular leaders in England, had secretly instigated the covenanters to proceed to such extremities [s], and hoped for the same effects that had forty years before ensued from the disorders in Scotland. The king also, apprehensive of like consequences, immediately despatched thither Monmouth with a small body of English cavalry. That nobleman joined to these troops the Scottish guards, and some regiments of militia levied from the well-affected counties; and with great celerity marched in quest of the rebels. They had taken post near Bothwell-castle, between Hamilton and Glasgow; where there was no access to them but over a bridge, which a small body was able to defend against the king's forces. They showed judgment in the choice of their post; but discovered neither judgment nor valour in any other step of their conduct. No nobility, and few gentry, had joined them: the clergy were in reality the generals; and the whole army never exceeded eight thousand men. Monmouth attacked the bridge; and the body of rebels who defended it maintained their post as long as their ammunition lasted. When they sent for more, they received orders to quit their ground, and to retire backwards. This imprudent measure occasioned an immediate defeat to the covenanters. Monmouth passed the bridge without opposition, and drew up his forces opposite to the enemy. His cannon alone put them to rout. About

Battle of Bothwell-bridge.

22d June.

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[s] Algernon Sidney's Letters, p. 90.

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seven hundred fell in the pursuit; for properly speaking there was no action. Twelve hundred were taken prisoners; and were treated by Monmouth with a humanity which they had never experienced in their own countrymen. Such of them as would promise to live peaceably were dismissed. About three hundred, who were so obstinate as to refuse this easy condition, were shipped for Barbadoes; but unfortunately perished in the voyage. Two of their clergy were hanged. Monmouth was of a generous disposition; and, besides, aimed at popularity in Scotland. The king intended to entrust the government of that kingdom in his hands. He had married a Scottish lady, heir of a great family, and allied to all the chief nobility; and Lauderdale, as he was now declining in his parts, and was much decayed in his memory, began to lose with the king that influence which he had maintained during so many years, notwithstanding the efforts of his numerous enemies both in Scotland and England, and notwithstanding the many violent and tyrannical actions of which he had been guilty. Even at present he retained so much influence as to poison all the good intentions which the king, either of himself, or by Monmouth's suggestion, had formed with regard to Scotland. An act of indemnity was granted; but Lauderdale took care that it should be so worded as rather to afford protection to himself and his associates than to the unhappy covenanters; and though orders were given to connive thenceforwards at all conventicles, he found means, under a variety of pretences, to elude the execution of them. It must be owned, however, to his praise, that he was the chief person who, by his counsel, occasioned the expeditious march of the forces and the prompt orders given to Monmouth; and thereby disappointed all the expectations of the English malecontents, who, reflecting on the disposition of men's minds in both kingdoms, had entertained great hopes from the progress of the Scottish insurrection.

CHAPTER LXVIII.

STATE OF PARTIES.—STATE OF THE MINISTRY.—MEAL-TUB PLOT.—WHIG AND TORY.—A NEW PARLIAMENT.—VIOLENCE OF THE COMMONS.—EXCLUSION BILL.—ARGUMENTS FOR AND AGAINST THE EXCLUSION.—EXCLUSION BILL REJECTED.—TRIAL OF STAFFORD.—HIS EXECUTION.—VIOLENCE OF THE COMMONS.—DISSOLUTION OF THE PARLIAMENT.—NEW PARLIAMENT AT OXFORD.—FITZHARRIS'S CASE.—PARLIAMENT DISSOLVED.—VICTORY OF THE ROYALISTS.

CHAP. LXVIII. 1679.

THE king, observing that the whole nation concurred at first in the belief and prosecution of the popish plot, had found it necessary for his own safety to pretend, in all public speeches and transactions, an entire belief and acquiescence in that famous absurdity, and by this artifice he had eluded the violent and irresistible torrent of the people. When a little time and recollection, as well as the execution of the pretended conspirators, had somewhat moderated the general fury, he was enabled to form a considerable party, devoted to the interests of the crown, and determined to oppose the pretensions of the malecontents.

State of parties.

In every mixed government, such as that of England, the bulk of the nation will always incline to preserve the entire frame of the constitution; but according to the various prejudices, interests, and dispositions of men, some will ever attach themselves with more passion to the regal, others to the popular, part of the government. Though the king, after his restoration, had endeavoured to abolish the distinction of parties, and had chosen the ministers from among all denominations; no sooner had he lost his popularity, and exposed himself to general jealousy, than he found it necessary to court the old cavalier party, and to promise them full compensation for that neglect of which they had hitherto complained. The present emergence made it still more necessary for him to apply for their support; and there were many circumstances which determined them, at this time, to fly to the assistance of the crown, and to the protection of the royal family.

A party, strongly attached to monarchy, will naturally be jealous of the right of succession, by which alone they believe stability to be preserved in the government, and a barrier fixed against the encroachments of popular assemblies. The project, openly embraced, of excluding the duke, appeared to that party a dangerous innovation; and the design, secretly projected, of advancing Monmouth, made them apprehensive lest the inconveniencies of a disputed succession should be propagated to all posterity. While the jealous lovers of liberty maintained that a king, whose title depended on the Parliament, would naturally be more attentive to the interests, at least to the humours, of the people; the passionate admirers of monarchy considered all dependence as a degradation of kingly government, and a great step towards the establishment of a commonwealth in England.

But though his union with the political royalists brought great accession of force to the king, he derived no less support from the confederacy which he had, at this time, the address to form with the church of England. He represented to the ecclesiastics the great number of presbyterians and other sectaries who had entered into the popular party; the encouragement and favour which they met with; the loudness of their cries with regard to popery and arbitrary power: and he made the established clergy and their adherents apprehend that the old scheme for the abolition of prelacy as well as monarchy was revived, and that the same miseries and oppressions awaited them, to which, during the civil wars and usurpations, they had so long been exposed.

The memory also of those dismal times united many indifferent and impartial persons to the crown, and begat a dread lest the zeal for liberty should engraft itself on fanaticism, and should once more kindle a civil war in the kingdom. Had not the king still retained the prerogative of dissolving the Parliament, there was, indeed, reason to apprehend the renewal of all the pretensions and violences which had ushered in the last commotions. The one period appeared an exact counterpart to the other: but still discerning judges could perceive, both in the spirit of the parties and in the genius of the prince, a material difference; by means of which Charles was

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enabled at last, though with the imminent peril of liberty, to preserve the peace of the nation.

The cry against popery was loud; but it proceeded less from religious than from party zeal, in those who propagated, and even in those who adopted it. The spirit of enthusiasm had occasioned so much mischief, and had been so successfully exploded, that it was not possible, by any artifice, again to revive and support it. Cant had been ridiculed, hypocrisy detected; the pretensions to a more thorough reformation, and to greater purity, had become suspicious; and instead of denominating themselves the *godly* party, the appellation affected at the beginning of the civil wars, the present patriots were content with calling themselves the *good* and the *honest* party[a]: a sure prognostic that their measures were not to be so furious, nor their pretensions so exorbitant.

The king, too, though not endowed with the integrity and strict principles of his father, was happy in a more amiable manner, and more popular address. Far from being distant, stately, or reserved, he had not a grain of pride or vanity in his whole composition[b], but was the most affable, best bred man alive. He treated his subjects like noblemen, like gentlemen, like freemen; not like vassals or boors. His professions were plausible, his whole behaviour engaging; so that he won upon the hearts, even while he lost the good opinion of his subjects, and often balanced their judgment of things by their personal inclination[c]. In his public conduct, likewise, though he had sometimes embraced measures dangerous to the liberty and religion of his people, he had never been found to persevere obstinately in them, but had always returned into that path, which their united opinion seemed to point out to him; and, upon the whole, it appeared to many, cruel, and even iniquitous, to remark too rigorously the failings of a prince, who discovered so much facility in correcting his errors, and so much lenity in pardoning the offences committed against himself.

The general affection borne the king appeared signally about this time. He fell sick at Windsor; and had two or three fits of a fever, so violent as made his life be thought in danger. A general consternation seized all ranks of men, increased by the apprehensions entertained of his successor. In the present disposition of men's minds, the king's death, to use an expression of Sir William Temple[d], was regarded as the end of the world. The malecontents, it was feared, would proceed to extremities, and immediately kindle a civil war in the kingdom. Either their entire success, or entire failure, or even the balance and contest of parties, seemed all of them events equally fatal. The king's chief counsellors, therefore, Essex, Halifax, and Sunderland, who stood on bad terms with Shaftesbury and the popular party, advised him to send secretly for the duke, that, in case of any sinister accident, that prince might be ready to assert his right against the opposition which he was likely to meet with. When the duke arrived, he found his brother out of danger; and it was agreed to conceal the invitation which he had received. His journey, however, was attended with important consequences. He prevailed on the king to disgrace Monmouth, whose projects were now known and avowed; to deprive him of his command in the army; and to send him beyond sea. He himself returned to Brussels; but made a short stay in that place. He obtained leave to retire to Scotland, under pretence still of quieting the apprehensions of the English nation; but in reality with a view of securing that kingdom in his interests.

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[a] Temple, vol. i. p. 335.

[b] Ibid. vol. i. p. 449.

[c] Dissertation on Parties, letter 7.

State of the ministry.

2d Sept.

Though Essex and Halifax had concurred in the resolution of inviting over the duke, they soon found, that they had not obtained his confidence, and that even the king, while he made use of their service, had no sincere regard for their persons. Essex in disgust resigned the treasury: Halifax retired to his country seat: Temple, despairing of any accommodation among such enraged parties, withdrew almost entirely to his books and his gardens. The king, who changed ministers as well as measures with great indifference, bestowed at this time his chief confidence on Hyde, Sunderland, and Godolphin. Hyde succeeded Essex in the treasury.

All the king's ministers, as well as himself, were extremely averse to the meeting of the new Parliament,

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[d] Vol. i. p. 342.

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which they expected to find as refractory as any of the preceding. The elections had gone mostly in favour of the country party. The terrors of the plot had still a mighty influence over the populace; and the apprehensions of the duke's bigoted principles and arbitrary character weighed with men of sense and reflection. The king therefore resolved to prorogue the Parliament, that he might try whether time would allay those humours which, by every other expedient, he had in vain attempted to mollify. In this measure he did not expect the concurrence of his council. He knew that those popular leaders, whom he had admitted, would zealously oppose a resolution, which disconcerted all their schemes; and that the royalists would not dare, by supporting it, to expose themselves to the vengeance of the Parliament, when it should be assembled. These reasons obliged him to take this step entirely of himself; and he only declared his resolution in council. It is remarkable that, though the king had made profession never to embrace any measure without the advice of these counsellors, he had often broken that resolution, and had been necessitated, in affairs of the greatest consequence, to control their opinion. Many of them in disgust threw up about this time; particularly Lord Russel, the most popular man in the nation, as well from the mildness and integrity of his character, as from his zealous attachment to the religion and liberties of his country. Though carried into some excesses, his intentions were ever esteemed upright; and being heir to the greatest fortune in the kingdom, as well as void of ambition, men believed that nothing but the last necessity could ever engage him to embrace any desperate measures. Shaftesbury, who was, in most particulars, of an opposite character, was removed by the king from the office of president of the council; and the Earl of Radnor, a man who possessed whimsical talents and splenetic virtues, was substituted in his place.

It was the favour and countenance of the Parliament which had chiefly encouraged the rumour of plots; but the nation had gotten so much into that vein of credulity, and every necessitous villain was so much incited by the success of Oates and Bedloe, that, even during the prorogation, the people were not allowed to remain in tranquillity. There was one Dangerfield, a fellow who had been burned in the hand for crimes, transported, whipped, pilloried four times, fined for cheats, outlawed for felony, convicted of coining, and exposed to all the public infamy which the laws could inflict on the basest and most shameful enormities. The credulity of the people, and the humour of the times, enabled even this man to become a person of consequence. He was the author of a new incident, called the *meal-tub plot*, from the place where some papers relating to it were found. The bottom of this affair it is difficult, and not very material, to discover. It only appears that Dangerfield, under pretence of betraying the conspiracies of the presbyterians, had been countenanced by some Catholics of condition, and had even been admitted to the duke's presence and the king's: and that, under pretence of revealing new popish plots, he had obtained access to Shaftesbury and some of the popular leaders. Which side he intended to cheat is uncertain; or whether he did not rather mean to cheat both: but he soon found that the belief of the nation was more open to a popish than a presbyterian plot; and he resolved to strike in with the prevailing humour. Though no weight could be laid on his testimony, great clamour was raised; as if the court, by way of retaliation, had intended to load the presbyterians with the guilt of a false conspiracy. It must be confessed that the present period, by the prevalence and suspicion of such mean and ignoble arts on all sides, throws a great stain on the British annals.

Meal-tub plot.

One of the most innocent artifices, practised by party men at this time, was the additional ceremony, pomp, and expense, with which a pope-burning was celebrated in London: the spectacle served to entertain, and amuse, and inflame, the populace. The Duke of Monmouth likewise came over without leave, and made a triumphant procession through many parts of the kingdom, extremely caressed and admired by the people. All these arts seemed requisite to support the general prejudices, during the long interval of Parliament. Great endeavours were also used to obtain the king's consent for the meeting of that

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assembly. Seventeen peers presented a petition to this purpose. Many of the corporations imitated the example. Notwithstanding several marks of displeasure, and even a menacing proclamation from the king, petitions came from all parts, earnestly insisting on a session of Parliament. The danger of popery, and the terrors of the plot, were never forgotten in any of these addresses.

Tumultuous petitioning was one of the chief artifices by which the malecontents in the last reign had attacked the crown: and though the manner of subscribing and delivering petitions was now somewhat regulated by act of Parliament, the thing itself still remained; and was an admirable expedient for infesting the court, for spreading discontent, and for uniting the nation in any popular clamour. As the king found no law by which he could punish those importunate, and, as he deemed them, undutiful solicitations, he was obliged to encounter them by popular applications of a contrary tendency. Wherever the church and court party prevailed, addresses were framed, containing expressions of the highest regard to his majesty, the most entire acquiescence in his wisdom, the most dutiful submission to his prerogative, and the deepest *abhorrence* of those who endeavoured to encroach upon it, by prescribing to him any time for assembling the Parliament. Thus the nation came to be distinguished into *petitioners* and *abhorrers*. Factions indeed were at this time extremely animated against each other. The very names, by which each party denominated its antagonist, discover the virulence and rancour which prevailed. For besides petitioner and abhorrer, appellations which were soon forgotten, this year is remarkable for being the epoch of the well-known epithets of WHIG and TORY, by which, and sometimes without any material difference, this island has been so long divided. The court party reproached their antagonists with their affinity to the fanatical conventiclers in Scotland, who were known by the name of Whigs: the country party found a resemblance between the courtiers and the popish banditti in Ireland, to whom the appellation of Tory was affixed: and after this manner, these foolish terms of reproach came into public and general use; and even at present seem not nearer their end than when they were first invented.

Whig and Tory.

1680. The king used every art to encourage his partisans, and to reconcile the people to his government. He persevered in the great zeal which he affected against popery. He even allowed several priests to be put to death, for no other crime than their having received orders in the Romish church. It is singular that one of them, called Evans, was playing at tennis, when the warrant for his immediate execution was notified to him: he swore, that he would play out his set first. Charles, with the same view of acquiring popularity, formed an alliance with Spain, and also offered an alliance to Holland: but the Dutch, terrified with the great power of France, and seeing little resource in a country so distracted as England, declined acceptance. He had sent for the duke from Scotland, but desired him to return, when the time of assembling the Parliament began to approach.

It was of great consequence to the popular party, while the meeting of Parliament depended on the king's will, to keep the law, whose operations are perpetual, entirely on their side. The sheriffs of London by their office return the juries. It had been usual for the mayor to nominate one sheriff by drinking to him; and the common-hall had ever without dispute confirmed the mayor's choice. Sir Robert Clayton, the mayor, appointed one who was not acceptable to the popular party: the common-hall rejected him; and Bethel and Cornish, two independents and republicans, and of consequence deeply engaged with the malecontents, were chosen by a majority of voices. In spite of all remonstrances and opposition, the citizens persisted in their choice; and the court party was obliged for the present to acquiesce.

Juries however were not so partial in the city, but that reason and justice, even when the popish plot was in question, could sometimes prevail. June 23. The Earl of Castlemaine, husband to the Duchess of Cleveland, was acquitted about this time, though accused by Oates and Dangerfield of an intention to assassinate the king. Sir Thomas Gascoigne, a very aged gentleman in the north, being accused by two servants, whom he had dismissed for dishonesty, received a like verdict. These trials were great blows to the plot, which now began to stagger, in the judgment of most men, except those who were entirely devoted to the

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country party. But in order still to keep alive the zeal against popery, the Earl of Shaftesbury appeared in Westminster-hall, attended by the Earl of Huntingdon, the Lords Russel, Cavendish, Gray, Brandon, Sir Henry Caverly, Sir Gilbert Gerrard, Sir William Cooper, and other persons of distinction, and presented to the grand jury of Middlesex reasons for indicting the Duke of York as a popish recusant. While the jury were deliberating on this extraordinary presentment, the chief justice sent for them, and suddenly, even somewhat irregularly, dismissed them. Shaftesbury however obtained the end for which he had undertaken this bold measure: he showed to all his followers the desperate resolution which he had embraced, never to admit of any accommodation or composition with the duke. By such daring conduct he gave them assurance, that he was fully determined not to desert their cause; and he engaged them to a like devoted perseverance in all the measures which he should suggest to them.

Oct. 21. A new Parliament.

As the kingdom was regularly and openly divided into two zealous parties, it was not difficult for the king to know that the majority of the new House of Commons was engaged in interests opposite to the court: but, that he might leave no expedient untried, which could compose the unhappy differences among his subjects, he resolved, at last, after a long interval, to assemble the Parliament. In his speech, he told them that the several prorogations which he had made had been very advantageous to his neighbours, and very useful to himself: that he had employed that interval in perfecting with the crown of Spain an alliance, which had often been desired by former Parliaments, and which he doubted not would be extremely agreeable to them: that, in order to give weight to this measure, and render it beneficial to Christendom, it was necessary to avoid all domestic dissensions, and to unite themselves firmly in the same views and purposes: that he was determined that nothing on his part should be wanting to such a salutary end; and, provided the succession were preserved in its due and legal course, he would concur in any expedient for the security of the Protestant religion: that the farther examination of the popish plot and the punishment of the criminals were

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requisite for the safety both of king and kingdom; and after recommending to them the necessity of providing, by some supplies, for the safety of Tangiers, he proceeded in these words: "But that which I value above all the treasure in the world, and which I am sure will give us greater strength and reputation both at home and abroad than any treasure can do, is a perfect union among ourselves. Nothing but this can restore the kingdom to that strength and vigour which it seems to have lost, and raise us again to that consideration which England hath usually possessed. All Europe have their eyes upon this assembly, and think their own happiness and misery, as well as ours, will depend upon it. If we should be so unhappy as to fall into misunderstandings among ourselves to that degree as would render our friendship unsafe to trust to, it will not be wondered at, if our neighbours should begin to take new resolutions, and, perhaps, such as may be fatal to us. Let us therefore take care that we do not gratify our enemies, and discourage our friends, by any unseasonable disputes. If any such do happen, the world will see that it is no fault of mine: for I have done all that it was possible for me to do, to keep you in peace while I live, and to leave you so when I die. But from so great prudence and so good affection as yours, I can fear nothing of this kind; but do rely upon you all, that you will do your best endeavours to bring this Parliament to a good and happy conclusion."

Violence of the Commons.

All these mollifying expressions had no influence with the Commons. Every step which they took betrayed the zeal with which they were animated. They voted that it was the undoubted right of the subject to petition the king for the calling and sitting of Parliament. Not content with this decision, which seems justifiable in a mixed monarchy, they fell with the utmost violence on all those *abhorrers* who, in their addresses to the crown, had expressed their disapprobation of those petitions. They did not reflect that it was as lawful for one party of men as for another to express their sense of public affairs; and that the best established right may, in particular circumstances, be abused, and even the exercise of it become an object of abhorrence. For this offence they expelled Sir Thomas Withens. They appointed a committee for farther inquiry into such members as had been guilty of a like crime; and complaints were lodged against Lord Paston, Sir Robert Malverer, Sir Bryan Stapleton, Taylor, and Turner. They addressed the king against Sir George Jefferies, recorder of London, for his activity in the same cause; and they frightened him into a resignation of his office, in which he was succeeded by Sir George Treby, a great leader of the popular party. They voted an impeachment against North, chief justice of the common pleas, for drawing the proclamation against tumultuous petitions; but upon examination found the proclamation so cautiously worded, that it afforded them no handle against him. A petition had been presented to the king from Taunton. "How dare you deliver me such a paper?" said the king to the person who presented it. "Sir," replied he, "my name is DARE." For this saucy reply, but under other pretences, he had been tried, fined, and committed to prison. The Commons now addressed the king for his liberty, and for remitting his fine. Some printers also and authors of seditious libels they took under their protection.

Great numbers of the abhorrers, from all parts of England, were seized by order of the Commons, and committed to custody. The liberty of the subject, which had been so carefully guarded by the great charter, and by the late law of habeas corpus, was every day violated by their arbitrary and capricious commitments. The chief jealousy, it is true, of the English constitution, is naturally and justly directed against the crown; nor indeed have the Commons any other means of securing their privileges than by commitments, which, as they cannot beforehand be exactly determined by law, must always appear, in some degree, arbitrary. Sensible of these reasons, the people had hitherto, without murmuring, seen this discretionary power exercised by the House: but as it was now carried to excess, and was abused to serve the purposes of faction, great complaints against it were heard from all quarters. At last the vigour and courage of one Stowel of Exeter, an abhorrer, put an end to the practice. He refused to obey the serjeant-at-arms, stood upon his defence, and said that he knew of no law by which they pretended to commit him. The

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House, finding it equally dangerous to proceed or to recede, got off by an evasion: they inserted in their votes, that Stowel was indisposed, and that a month's time was allowed him for the recovery of his health.

But the chief violence of the House of Commons appeared in all their transactions with regard to the plot, which they prosecuted with the same zeal and the same credulity as their predecessors. They renewed the former vote, which affirmed the reality of the horrid popish plot; and, in order the more to terrify the people, they even asserted that, notwithstanding the discovery, the plot still subsisted. They expelled Sir Robert Can, and Sir Robert Yeomans, who had been complained of for saying that there was no popish, but there was a presbyterian, plot: and they greatly lamented the death of Bedloe, whom they called a material witness, and on whose testimony they much depended. He had been seized with a fever at Bristol; had sent for Chief-Justice North; confirmed all his former evidence, except that with regard to the duke and the queen; and desired North to apply to the king for some money to relieve him in his necessities. A few days after he expired; and the whole party triumphed extremely in these circumstances of his death; as if such a testimony could be deemed the affirmation of a dying man, as if his confession of perjury in some instances could assure his veracity in the rest, and as if the perseverance of one profligate could outweigh the last words of so many men, guilty of no crime but that of popery.

The Commons even endeavoured, by their countenance and protection, to remove the extreme infamy with which Dangerfield was loaded, and to restore him to the capacity of being an evidence. The whole tribe of informers they applauded and rewarded; Jennison, Tuberville, Dugdale, Smith, La Faria, appeared before them; and their testimony, however frivolous or absurd, met with a favourable reception; the king was applied to in their behalf for pensions and pardons: their narratives were printed with that sanction which arose from the approbation of the House: Dr. Tongue was recommended for the first considerable church preferment which should become vacant. Considering men's determined resolution to believe, instead of admiring that a palpable falsehood should be maintained by witnesses, it may justly appear wonderful, that no better evidence was ever produced against the Catholics.

Exclusion bill.

The principal reasons, which still supported the clamour of the popish plot, were the apprehensions entertained by the people of the Duke of York, and the resolution embraced by their leaders, of excluding him from the throne. Shaftesbury and many considerable men of the party, had rendered themselves irreconcilable with him, and could find their safety no way but in his ruin. Monmouth's friends hoped that the exclusion of that prince would make way for their patron. The resentment against the duke's apostasy, the love of liberty, the zeal for religion, the attachment to faction, all these motives incited the country party. And above all, what supported the resolution of adhering to the exclusion, and rejecting all other expedients offered, was the hope, artfully encouraged, that the king would at last be obliged to yield to their demand. His revenues were extremely burdened; and even if free, could scarcely suffice for the necessary charges of government, much less for that pleasure and expense to which he was inclined. Though he had withdrawn his countenance from Monmouth, he was known secretly to retain a great affection for him. On no occasion had he ever been found to persist obstinately against difficulties and importunity. And as his beloved mistress, the Duchess of Portsmouth, had been engaged, either from lucrative views, or the hopes of making the succession fall on her own children, to unite herself with the popular party; this incident was regarded as a favourable prognostic of their success. Sunderland, secretary of state, who had linked his interest with that of the duchess, had concurred in the same measure.

But besides friendship for his brother, and a regard to the right of succession, there were many strong reasons which had determined Charles to persevere in opposing the exclusion. All the royalists and the devotees to the church, that party by which alone monarchy was supported, regarded the right of succession as inviolable; and if abandoned by the king in so capital an article, it was to be feared that they would, in their turn, desert his cause, and deliver him over to the pretensions and usurpations of the country party. The country party, or the whigs, as they were called, if they did not still retain some propensity towards a republic, were at least affected with a violent jealousy of regal power; and it was equally to be dreaded that, being enraged with past opposition, and animated by present success, they would, if they prevailed in this pretension, be willing, as well as able, to reduce the prerogative within very narrow limits. All menaces, therefore, all promises were again employed against the king's resolution: he never would be prevailed on to desert his friends, and put himself into the hands of his enemies. And having voluntarily made such important concessions, and tendered, over and over again, such strong limitations, he was well pleased to find them rejected by the obstinacy of the Commons; and hoped that, after the spirit of opposition had spent itself in fruitless violence, the time would come, when he might safely appeal against his Parliament to his people.

So much were the popular leaders determined to carry matters to extremities, that in less than a week after the commencement of the session, a motion was made for bringing in an exclusion bill, and a committee was appointed for that purpose. This bill differed in nothing from the former, but in two articles, which showed still an increase of zeal in the Commons: the bill was to be read to the people twice a year in all the churches of the kingdom, and every one who should support the duke's title was rendered incapable of receiving a pardon but by act of Parliament.

The debates were carried on with great violence on both sides. The bill was defended by Sir William Jones, who had now resigned his office of attorney-general, by Lord Russel, by Sir Francis Winnington, Sir Harry Capel, Sir William Pulteney, by Colonel Titus, Treby, Hambden, Montague. It was opposed by Sir Leoline Jenkins, secretary of state, Sir John Ernley, chancellor of the exchequer, by Hyde, Seymour, Temple. The arguments transmitted to us may be reduced to the following topics.

10th Nov.

Argument for and against the exclusion.

In every government, said the exclusionists, there is somewhere an authority absolute and supreme; nor can any determination, how unusual soever, which receives the sanction of the legislature, admit afterwards of dispute or control. The liberty of a constitution, so far from diminishing this absolute power, seems rather to add force to it, and to give it greater influence over the people. The more members of the state concur in any legislative decision, and the more free their voice, the less likelihood is there that any opposition will be made to those measures which receive the final sanction of their authority. In England, the legislative power is lodged in King, Lords, and Commons, which comprehend every order of the community: and there is no pretext for exempting any circumstance of government, not even the succession of the crown, from so full and decisive a jurisdiction. Even express declarations have, in this particular, been made of parliamentary authority: instances have occurred where it has been exerted: and though prudential reasons may justly be alleged why such innovations should not be attempted but on extraordinary occasions, the power and right are for ever vested in the community. But if any occasion can be deemed extraordinary, if any emergence can require unusual expedients, it is the present; when the heir to the crown has renounced the religion of the state, and has zealously embraced a faith totally hostile and incompatible. A prince of that communion can never put trust in a people so prejudiced against him: the people must be equally diffident of such a prince: foreign and destructive alliances will seem to one the only protection of his throne: perpetual jealousy, opposition, faction, even insurrections will be employed by the other as the sole securities for their liberty and religion. Though theological principles, when set in opposition to passions, have often small influence on mankind in general, still less on princes; yet when they become symbols of faction, and marks of party distinctions, they concur with one of the strongest passions in the human frame, and are then capable of carrying men to the greatest extremities. Notwithstanding the better judgment and milder disposition of the king, how much has the influence of the duke already disturbed the tenor of government? how often engaged the nation into meaures totally destructive of their foreign interests and

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honour, of their domestic repose and tranquillity? The more the absurdity and incredibility of the popish plot are insisted on, the stronger reason it affords for the exclusion of the duke; since the universal belief of it discovers the extreme antipathy of the nation to his religion, and the utter impossibility of ever bringing them to acquiesce peaceably under the dominion of such a sovereign. The prince, finding himself in so perilous a situation, must seek for security by desperate remedies, and by totally subduing the privileges of a nation which had betrayed such hostile dispositions towards himself, and towards every thing which he deems the most sacred. It is in vain to propose limitations and expedients. Whatever share of authority is left in the duke's hands, will be employed to the destruction of the nation; and even the additional restraints, by discovering the public diffidence and aversion, will serve him as incitements to put himself in a condition entirely superior and independent. And as the laws of England still make resistance treason, and neither do nor can admit of any positive exceptions; what folly to leave the kingdom in so perilous and absurd a situation, where the greatest virtue will be exposed to the most severe proscription, and where the laws can only be saved by expedients, which these same laws have declared the highest crime and enormity.

The court party reasoned in an opposite manner. An authority, they said, wholly absolute and uncontrollable is a mere chimera, and is nowhere to be found in any human institutions. All government is founded on opinion and a sense of duty; and wherever the supreme magistrate, byany law or positive prescription, shocks an opinion regarded as fundamental, and established with a firmness equal to that of his own authority, he subverts the principle by which he himself is established, and can no longer hope for obedience. In European monarchies, the right of succession is justly esteemed a fundamental; and even though the whole legislature be vested in a single person, it would never be permitted him, by an edict, to disinherit his lawful heir, and call a stranger or more distant relation to the throne. Abuses in other parts of government are capable of redress, from more dispassionate inquiry or better information of the sovereign, and till then ought patiently to be endured: but violations of the right of succession draw such terrible consequences after them as are not to be paralleled by any other grievance or inconvenience. Vainly is it pleaded that England is a mixed monarchy; and that a law assented to by King, Lords, and Commons, is enacted by the concurrence of every part of the state: it is plain that there remains a very powerful party, who may indeed be outvoted, but who never will deem a law, subversive of hereditary right, any wise valid or obligatory. Limitations, such as are proposed by the king, give no shock to the constitution, which, in many particulars, is already limited; and they may be so calculated as to serve every purpose sought for by an exclusion. If the ancient barriers against regal authority have been able, during so many ages, to remain impregnable; how much more those additional ones, which, by depriving the monarch of power, tend so far to their own security? The same jealousy too of religion, which has engaged the people to lay these restraints upon the successor, will extremely lessen the number of his partisans, and make it utterly impracticable for him, either by force or artifice, to break the fetters imposed upon him. The king's age and vigorous state of health promise him a long life: and can it be prudent to tear in pieces the whole state, in order to provide against a contingency which, it is very likely, may never happen? No human schemes can secure the public in all possible imaginable events; and the bill of exclusion itself, however accurately framed, leaves room for obvious and natural suppositions, to which it pretends not to provide any remedy. Should the duke have a son, after the king's death, must that son, without any default of his own, forfeit his title? or must the Princess of Orange descend from the throne, in order to give place to the lawful successor? But were all these reasons false, it still remains to be considered that, in public deliberations, we seek not the expedient which is best in itself, but the best of such as are practicable. The king willingly consents to limitations, and has already offered some which are of the utmost importance: but he is determined to endure any extremity rather than allow the right of succession to be invaded. Let us beware of that factious violence, which leads to demand more than will be granted; lest we lose the advantage of those beneficial concessions, and leave the nation, on the king's demise, at the mercy of a zealous prince, irritated with the ill usage which he imagines he has already met with.

In the House of Commons, the reasoning of the exclusionists appeared the more convincing; and the bill passed by a great majority. It was in the House of Peers that the king expected to oppose it with success. The court party was there so prevalent, that it was carried only by a majority of two, to pay so much regard to the bill as even to commit it. When it came to be debated the contest was violent. Shaftesbury, Sunderland, and Essex argued for it; Halifax chiefly conducted the debate against it, and displayed an extent of capacity, and a force of eloquence, which had never been surpassed in that assembly. He was animated, as well by the greatness of the occasion, as by a rivalship with his uncle Shaftesbury; whom, during that day's debate, he seemed in the judgment of all to have totally eclipsed. The king was present during the whole debate, which was prolonged till eleven at night. The bill was thrown out by a considerable majority. All the bishops, except three, voted against it. Besides the influence of the court over them; the church of England, they imagined, or pretended, was in greater danger from the prevalence of presbyterianism than of popery, which, though favoured by the duke, and even by the king, was extremely repugnant to the genius of the nation.

15th Nov.

Exclusion bill rejected.

The Commons discovered much ill humour upon this disappointment. They immediately voted an address for the removal of Halifax from the king's councils and presence for ever. Though the pretended cause was his advising the late frequent prorogations of Parliament, the real reason was apparently his vigorous opposition to the exclusion bill. When the king applied for money to enable him to maintain Tangiers, which he declared his present revenues totally unable to defend; instead of complying, they voted such an address as was in reality a remonstrance, and one little less violent than that famous remonstrance, which ushered in the civil wars. All the abuses of government, from the beginning almost

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of the reign, are there insisted on; the Dutch war, the alliance with France, the prorogations and dissolutions of Parliament; and as all these measures, as well as the *damnable* and *hellish* plot, are there ascribed to the machinations of Papists, it was plainly insinuated that the king had, all along, lain under the influence of that party, and was in reality the chief conspirator against the religion and liberties of his people.

The Commons, though they conducted the great business of the exclusion with extreme violence and even imprudence, had yet much reason for the jealousy which gave rise to it: but their vehement prosecution of the popish plot, even after so long an interval, discovers such a spirit, either of credulity or injustice, as admits of no apology. The impeachment of the Catholic lords in the Tower was revived; and as Viscount Stafford, from his age, infirmities, and narrow capacity, was deemed the least capable of defending himself, it was determined to make him the first victim, that his condemnation might pave the way for a sentence against the rest. The chancellor, now created Earl of Nottingham, was appointed high steward for conducting the trial.

30th Nov.

Trial of Stafford,

Three witnesses were produced against the prisoner; Oates, Dugdale, and Turberville. Oates swore, that he saw Fenwick, the Jesuit, deliver to Stafford a commission signed by De Oliva, general of the Jesuits, appointing him paymaster to the papal army, which was to be levied for the subduing of England: for this ridiculous imposture still maintained its credit with the Commons. Dugdale gave testimony, that the prisoner at Tixal, a seat of Lord Aston's, had endeavoured to engage him in the design of murdering the king; and had promised him, besides the honour of being sainted by the church, a reward of five hundred pounds for that service. Turberville deposed, that the prisoner, in his own house at Paris, had made him a like proposal. To offer money for murdering a king, without laying down any scheme by which the assassin may ensure some probability or possibility of escape, is so incredible in itself, and may so easily be maintained by any prostitute evidence, that an accusation of that nature, not accompanied with circumstances, ought very little to be attended to by any court of judicature. But notwithstanding the small hold which the witnesses afforded, the prisoner was able, in many material particulars, to discredit their testimony. It was sworn by Dugdale, that Stafford had assisted in a great consult of the Catholics held at Tixal; but Stafford proved, by undoubted testimony, that at the time assigned he was in Bath, and in that neighbourhood. Turberville had served a noviciate among the Dominicans; but, having deserted the convent, he had enlisted as a trooper in the French army; and being dismissed that service, he now lived in London, abandoned by all his relations, and exposed to great poverty. Stafford proved, by the evidence of his gentleman and his page, that Turberville had never, either at Paris or at London, been seen in his company; and it might justly appear strange that a person, who had so important a secret in his keeping, was so long entirely neglected by him.

The clamour and outrage of the populace during the trial were extreme: great abilities and eloquence were displayed by the managers, Sir William Jones, Sir Francis Winnington, and Serjeant Maynard. Yet did the prisoner, under all these disadvantages, make a better defence than was expected, either by his friends or his enemies: the unequal contest in which he was engaged was a plentiful source of compassion to every mind seasoned with humanity. He represented, that during a course of forty years, from the very commencement of the civil wars, he had, through many dangers, difficulties, and losses, still maintained his loyalty: and was it credible that now, in his old age, easy in his circumstances, but dispirited by infirmities, he would belie the whole course of his life, and engage against his royal master, from whom he had ever received kind treatment, in the most desperate and most bloody of all conspiracies? He remarked the infamy of the witnesses; the contradictions and absurdities of their testimony; the extreme indigence in which they had lived, though engaged, as they pretended, in a conspiracy with kings, princes, and nobles; the credit and opulence to which they were at present raised. With a simplicity and tenderness more persuasive than the greatest oratory, he still made protestations of his innocence, and could not forbear, every moment,

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expressing the most lively surprise and indignation at the audacious impudence of the witnesses.

It will appear astonishing to us, as it did to Stafford himself, that the Peers, after a solemn trial of six days, should, by a majority of twenty-four voices, give sentence against him. He received, however, with resignation the fatal verdict. *God's holy name be praised!* was the only exclamation which he uttered. When the high steward told him, that the Peers would intercede with the king for remitting the more cruel and ignominious parts of the sentence, hanging and quartering, he burst into tears: but he told the Lords that he was moved to this weakness by a sense of their goodness, not by any terror of that fate which he was doomed to suffer.

It is remarkable that, after Charles, as is usual in such cases, had remitted to Stafford the hanging and quartering, the two sheriffs, Bethel and Cornish, indulging their own republican humour, and complying with the prevalent spirit of their party, ever jealous of monarchy, started a doubt with regard to the king's power of exercising even this small degree of lenity. "Since he cannot pardon the whole," said they, "how can he have power to remit any part of the sentence?" They proposed the doubt to both Houses: the Peers pronounced it superfluous; and even the Commons, apprehensive lest a question of this nature might make way for Stafford's escape, gave this singular answer: "This House is *content* that the sheriffs do execute William, late Viscount Stafford, by severing his head from his body *only*." Nothing can be a stronger proof of the fury of the times than that Lord Russel, notwithstanding the virtue and humanity of his character, seconded in the House this barbarous scruple of the sheriffs.

In the interval between the sentence and execution, many efforts were made to shake the resolution of the infirm and aged prisoner, and to bring him to some confession of the treason for which he was condemned. It was even rumoured that he had confessed; and the zealous party-men, who, no doubt, had secretly, notwithstanding their credulity, entertained some doubts with regard to the reality of the popish conspiracy, expressed great triumph on the occasion. But Stafford, when again called before the House of Peers, discovered many schemes, which had been laid by himself and others for procuring a toleration to the Catholics, at least a mitigation of the penal laws enacted against them: and he protested that this was the sole treason of which he had ever been guilty.

Stafford now prepared himself for death with the intrepidity which became his birth and station, and which was the natural result of the innocence and integrity which, during the course of a long life, he had ever maintained: his mind seemed even to collect new force from the violence and oppression under which he laboured. When going to execution, he called for a cloak to defend him against the rigour of the season: "Perhaps," said he, "I may shake with cold; but I trust in God, not for fear." On the scaffold he continued, with reiterated and earnest asseverations, to make protestations of his innocence: all his fervour was exercised on that point: when he mentioned the witnesses, whose perjuries had bereaved him of life, his expressions were full of mildness and of charity. He solemnly disavowed all those immoral principles, which over-zealous Protestants had ascribed, without distinction, to the church of Rome: and he hoped, he said, that the time was now approaching, when the present delusion would be dissipated; and when the force of truth, though late, would engage the whole world to make reparation to his injured honour.

29th Dec. and execution.

The populace, who had exulted at Stafford's trial and condemnation, were now melted into tears at the sight of that tender fortitude which shone forth in each feature, and motion, and accent of this aged noble. Their profound silence was only interrupted by sighs and groans. With difficulty they found speech to assent to those protestations of innocence which he frequently repeated: "We believe you, my lord! God bless you, my lord!" These expressions, with a faltering accent, flowed from them. The executioner himself was touched with sympathy. Twice he lifted up the axe, with an intent to strike the fatal blow; and as often felt his resolution to fail him. A deep sigh was heard to accompany his last effort, which laid Stafford for ever at rest. All the spectators seemed to feel the blow. And when the head was held up to them with the usual cry, *This is the head of a traitor!* no clamour of assent was uttered. Pity, remorse, and astonishment, had taken possession of every heart, and displayed itself in every countenance.

This is the last blood which was shed on account of the popish plot: an incident which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is necessary to perpetuate, as well to maintain the truth of history, as to warn, if possible, their posterity and all mankind never again to fall into so shameful, so barbarous a delusion.

The execution of Stafford gratified the prejudices of the country party; but it contributed nothing to their power and security: on the contrary, by exciting commiseration, it tended still farther to increase that disbelief of the whole plot, which began now to prevail. The Commons, therefore, not to lose the present opportunity, resolved to make both friends and enemies sensible of their power. They passed a bill for easing the Protestant dissenters, and for repealing the persecuting statute of the thirty-fifth of Elizabeth: this laudable bill was likewise carried through the House of Peers. The chief justice was very obnoxious for dismissing the grand jury in an irregular manner, and thereby disappointing that bold measure of Shaftesbury and his friends, who had presented the duke as a recusant. For this crime the Commons sent up an impeachment against him; as also against Jones and Weston, two of the judges, who, in some speeches from the bench, had gone so far as to give to many of the first reformers the appellation of fanatics.

The king, in rejecting the exclusion bill, had sheltered himself securely behind the authority of the House of Peers; and the Commons had been deprived of the usual pretence to attack the sovereign himself, under colour of attacking his ministers and counsellors. In prosecution, however, of the scheme which he had formed, of throwing the blame on the Commons in case of any rupture, he made them a new speech. After warning them, that a neglect of this opportunity would never be retrieved, he added these words: "I did promise you the fullest satisfaction, which your hearts could wish, for the security of the Protestant religion, and to concur with you in any remedies which might consist with preserving the succession of the crown in its due and legal course of descent. I do again, with the same reservations, renew the same promises to you: and being thus ready on my part to do all that can reasonably be expected from me, I should be glad to know from you, as soon as may be, how far I shall be assisted by you, and what it is you desire from me."

The most reasonable objection against the limitations proposed by the king is, that they introduced too considerable an innovation in the government, and almost totally annihilated the power of the future monarch. But considering the present disposition of the Commons and their leaders, we may fairly presume, that this objection would have small weight with them, and that their disgust against the court would rather incline them to diminish than support regal authority. They still hoped, from the king's urgent necessities and his usual facility, that he would throw himself wholly into their hands; and that thus, without waiting for the accession of the duke, they might immediately render themselves absolute masters of the government. The Commons, therefore, besides insisting still on the exclusion, proceeded to bring in bills of an important, and some of them of an alarming nature: one to renew the triennial act, which had been so inadvertently repealed in the beginning of the reign: a second to make the office of judge during good behaviour: a third to declare the levying of money without consent of Parliament to be high treason: a fourth to order an association for the safety of his majesty's person, for defence of the Protestant religion, for the preservation of the Protestant subjects against all invasions and opposition whatsoever, and for preventing the Duke of York or any Papist from succeeding to the crown. The memory of the covenant was too recent for men to overlook the consequences of such an association: and the king, who was particularly conversant in Davila, could not fail of recollecting a memorable foreign instance, to fortify this domestic experience.

Violence of the Commons.

The Commons also passed many votes, which, though

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they had not the authority of laws, served however to discover the temper and disposition of the House. They voted, that whoever had advised his majesty to refuse the exclusion bill were promoters of popery, and enemies to the king and kingdom. In another vote they named the Marquis of Worcester, the Earls of Clarendon, Feversham, and Halifax, Laurence Hyde, and Edward Seymour, as those dangerous enemies; and they requested his majesty to remove them from his person and councils for ever: they voted that, till the exclusion bill were passed, they could not, consistently with the trust reposed in them, grant the king any manner of supply. And lest he should be enabled, by any other expedient, to support the government, and preserve himself independent, they passed another vote, in which they declared, that whoever should hereafter lend, by way of advance, any money upon those branches of the king's revenue arising from customs, excise, or hearth-money, should be judged a hinderer of the sitting of Parliament, and be responsible for the same in Parliament.

1681. 10th Jan. Dissolution of the Parliament.

The king might presume that the Peers, who had rejected the exclusion bill, would still continue to defend the throne, and that none of the dangerous bills, introduced into the other House, would ever be presented for the royal assent and approbation. But as there remained no hopes of bringing the Commons to any better temper, and as their farther sitting served only to keep faction alive, and to perpetuate the general ferment of the nation, he came secretly to a resolution of proroguing them. They got intelligence about a quarter of an hour before the black rod came to their door. Not to lose such precious time, they passed in a tumultuous manner some extraordinary resolutions. They voted, *that* whoever advised his majesty to prorogue this Parliament, to any other purpose than in order to pass the bill of exclusion, was a betrayer of the king, of the Protestant religion, and of the kingdom of England; a promoter of the French interest, and a pensioner of France: *that* thanks be given to the city of London for their manifest loyalty, and for their care and vigilance in the preservation of the king, and of the Protestant religion: *that* it is the opinion of this

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House, that the city was burned in the year 1666 by the Papists, designing thereby to introduce arbitrary power and popery into the kingdom: *that* humble application be made to his majesty for restoring the Duke of Monmouth to all his offices and commands, from which, it appears to the House, he had been removed by the influence of the Duke of York: and, *that* it is the opinion of the House, that the prosecution of the Protestant dissenters upon the penal laws is at this time grievous to the subject, a weakening of the Protestant interest, an encouragement of popery, and dangerous to the peace of the kingdom.

The king passed some laws of no great importance: but the bill for repealing the thirty-fifth of Elizabeth, he privately ordered the clerk of the crown not to present to him. By this artifice, which was equally disobliging to the country party as if the bill had been rejected, and at the same time implied some timidity in the king, that salutary act was for the present eluded. The king had often of himself attempted, and sometimes by irregular means, to give indulgence to nonconformists: but besides that he had usually expected to comprehend the Catholics in this liberty, the present refractory disposition of the sectaries had much incensed him against them; and he was resolved, if possible, to keep them still at mercy.

The last votes of the Commons seemed to be an attempt of forming indirectly an association against the crown, after they found that their association bill could not pass: the dissenting interest, the city, and the Duke of Monmouth, they endeavoured to connect with the country party. A civil war indeed never appeared so likely as at present; and it was high time for the king to dissolve a Parliament, which seemed to have entertained such dangerous projects. Soon after, he summoned another. Though he observed, that the country party had established their interest so strongly in all the electing boroughs, that he could not hope for any disposition more favourable in the new Parliament, this expedient was still a prosecution of his former project, of trying every method by which he might form an accommodation with the Commons: and if all failed, he hoped that he could the better justify to his people, at least to his party, a final breach with them.

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It had always been much regretted by the royalists, during the civil wars, that the Long Parliament had been assembled at Westminster, and had thereby received force and encouragement from the vicinity of a potent and factious city, which had zealously embraced their party. Though the king was now possessed of guards, which in some measure overawed the populace, he was determined still farther to obviate all inconveniences; and he summoned the new Parliament to meet at Oxford. The city of London showed how just a judgment he had formed of their dispositions. Besides re-electing the same members, they voted thanks to them for their former behaviour, in endeavouring to discover the depth of the *horrid* and *hellish* popish plot, and to exclude the Duke of York, the principal cause of the ruin and misery impending over the nation. Monmouth, with fifteen peers, presented a petition against assembling the Parliament at Oxford, "where the two Houses," they said, "could not be in safety; but would be easily exposed to the swords of the Papists and their adherents, of whom too many had crept into his majesty's guards." These insinuations, which pointed so evidently at the king himself, were not calculated to persuade him, but to inflame the people.

The exclusionists might have concluded, both from the king's dissolution of the last Parliament, and from his summoning of the present to meet at Oxford, that he was determined to maintain his declared resolution of rejecting their favourite bill: but they still flattered themselves that his urgent necessities would influence his easy temper, and finally gain them the ascendant. The leaders came to Parliament, attended not only by their servants, but by numerous bands of their partisans. The four city members in particular were followed by great multitudes, wearing ribands, in which were woven these words, *No popery! no slavery!* The king had his guards regularly mustered: his party likewise endeavoured to make a show of their strength: and on the whole, the assembly at Oxford rather bore the appearance of a tumultuous Polish diet, than of a regular English Parliament.

1681. March 21. New Parliament at Oxford.

The king, who had hitherto employed the most gracious expressions to all his Parliaments, particularly the two last, thought proper to address himself to the present in a more authoritative manner. He complained of the unwarrantable proceedings of the former House of Commons; and said that, as he would never use arbitrary government himself, neither would he ever suffer it in others. By calling, however, this Parliament so soon, he had sufficiently shown that no past irregularities could inspire him with a prejudice against those assemblies. He now afforded them, he added, yet another opportunity of providing for the public safety; and to all the world had given one evidence more, that on his part he had not neglected the duty incumbent on him.

The Commons were not overawed by the magisterial air of the king's speech. They consisted almost entirely of the same members; they chose the same speaker; and they instantly fell into the same measures, the impeachment of Danby, the repeal of the persecuting statute of Elizabeth, the inquiry into the popish plot, and the bill of exclusion. So violent were they on this last article, that no other expedient, however plausible, could so much as be hearkened to. Ernley, one of the king's ministers, proposed that the duke should be banished during life, five hundred miles from England, and that on the king's demise, the next heir should be constituted regent with regal power: yet even this expedient, which left the duke only the bare title of king, could not, though seconded by Sir Thomas Lyttleton and Sir Thomas Mompesson, obtain the attention of the House. The past disappointments of the country party, and the opposition made by the court, had only rendered them more united, more haughty, and more determined. No method, but their own, of excluding the duke, could give them any satisfaction.

Fitz-harris's case.

There was one Fitz-harris, an Irish Catholic, who had insinuated himself into the Duchess of Portsmouth's acquaintance, and had been very busy in conveying to her intelligence of any libel written by the country party, or of any designs entertained against her or against the court. For services of this kind, and perhaps, too, from a regard to his father, Sir Edward Fitz-harris, who had been an eminent royalist, he had received from the king a present of two hundred and fifty pounds. This man met with one Everard, a Scotchman, a spy of the exclusionists, and an informer concerning the popish plot; and he engaged him to write a libel against the king, the duke, and the whole administration. What Fitz-harris's intentions were, cannot well be ascertained: it is probable, as he afterwards asserted, that he meant to carry this libel to his patron, the duchess, and to make a merit of the discovery. Everard, who suspected some other design, and who was well pleased, on his side, to have the merit of a discovery with his patrons, resolved to betray his friend: he posted Sir William Waller, a noted justice of peace, and two persons more, behind the hangings, and gave them an opportunity of seeing and hearing the whole transaction. The libel, sketched out by Fitz-harris, and executed partly by him, partly by Everard, was the most furious, indecent, and outrageous performance imaginable; and such as was fitter to hurt than serve any party which should be so imprudent as to adopt it. Waller carried the intelligence to the king, and obtained a warrant for committing Fitz-harris, who happened, at that very time, to have a copy of the libel in his pocket. Finding himself now delivered over to the law, he resolved to pay court to the popular party, who were alone able to protect him, and by whom he observed almost all trials to be governed and directed. He affirmed, that he had been employed by the court to write the libel, in order to throw the odium of it on the exclusionists: but this account, which was within the bounds of credibility, he disgraced by circumstances which are altogether absurd and improbable. The intention of the ministers, he said, was to send about copies to all the heads of the country party; and the moment they received them, they were to be arrested, and a conspiracy to be imputed to them. That he might merit favour by still more important intelligence, he commenced a discoverer of the great popish plot; and he failed not to confirm all the tremendous circumstances insisted on by his predecessors. He said, that the second Dutch war was entered into with a view of extirpating the Protestant religion, both abroad and at home: that Father Parry, a Jesuit, on the disappointment by the peace, told him, that the Catholics resolved to murder the king, and had even engaged the queen in that design; that the envoy of Modena offered him ten thousand pounds to kill the king, and upon his refusal the envoy said that the Duchess of Mazarine, who was as expert at poisoning as her sister, the Countess of Soissons, would, with a little phial, execute that design; that, upon the king's death, the army in Flanders was to come over and massacre the Protestants; that money was raised in Italy for recruits and supplies, and there should be no more Parliaments; and that the duke was privy to this whole plan, and had even entered into the design of Godfrey's murder, which was executed in the manner related by Prance.

The popular leaders had, all along, been very desirous of having an accusation against the duke; and though Oates and Bedloe, in their first evidence, had not dared to go so far, both Dugdale and Dangerfield had afterwards been encouraged to supply so material a defect, by comprehending him in the conspiracy. The Commons, therefore, finding that Fitz-harris was also willing to serve this purpose, were not ashamed to adopt his evidence, and resolved for that end to save him from the destruction with which he was at present threatened. The king had removed him from the city prison, where he was exposed to be tampered with by the exclusionists; had sent him to the Tower; and had ordered him to be prosecuted by an indictment at common law. In order to prevent his trial and execution, an impeachment was voted by the Commons against him, and sent up to the Lords. That they might show the greater contempt of the court, they ordered, by way of derision, that the impeachment should be carried up by Secretary Jenkins; who was so provoked by the intended affront, that he at first refused obedience; though afterwards, being threatened with commitment, he was induced to comply. The Lords voted to remit the affair to the ordinary courts of justice, before whom, as the attorney-general informed them, it was already determined to try Fitz-harris. The Commons maintained, that the Peers were obliged to receive every impeachment from the Commons; and this indeed seems to have been the first instance of their refusal:

they therefore voted, that the Lords, in rejecting their impeachment, had denied justice, and had violated the constitution of Parliament. They also declared, that whatever inferior court should proceed against Fitzharris, or any one that lay under impeachment, would be guilty of a high breach of privilege. Great heats were likely to ensue; and as the king saw no appearance of any better temper in the Commons, he gladly laid hold of the opportunity afforded by a quarrel between the two Houses; and he proceeded to a dissolution of the Parliament. The secret was so well kept, that the Commons had no intimation of it, till the black rod came to their door, and summoned them to attend the king at the House of Peers.

Parliament dissolved.

This vigorous measure, though it might have been foreseen, excited such astonishment in the country party, as deprived them of all spirit, and reduced them to absolute despair. They were sensible, though too late, that the king had finally taken his resolution, and was determined to endure any extremity rather than submit to those terms which they had resolved to impose upon him. They found, that he had patiently waited till affairs should come to full maturity; and having now engaged a national party on his side, had boldly set his enemies at defiance. No Parliament, they knew, would be summoned for some years; and during that long interval, the court, though perhaps at the head of an inferior party, yet, being possessed of all authority, would have every advantage over a body dispersed and disunited. These reflections crowded upon every one; and all the exclusionists were terrified lest Charles should follow the blow by some action more violent, and immediately take vengeance on them for their long and obstinate opposition to his measures. The king, on his part, was no less apprehensive lest despair might prompt them to have recourse to force, and make some sudden attempt upon his person. Both parties, therefore, hurried from Oxford; and in an instant, that city, so crowded and busy, was left in its usual emptiness and tranquillity.

Victory of the royalists.

The court party gathered force from the dispersion and astonishment of their antagonists, and adhered more firmly to the king, whose resolutions, they now saw,

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could be entirely depended on. The violences of the exclusionists were every where exclaimed against and aggravated; and even the reality of the plot, that great engine of their authority, was openly called in question. The clergy especially were busy in this great revolution; and being moved, partly by their own fears, partly by the insinuations of the court, they represented all their antagonists as sectaries and republicans, and rejoiced in escaping those perils which they believed to have been hanging over them. Principles the most opposite to civil liberty were every where enforced from the pulpit, and adopted in numerous addresses; where the king was flattered in his present measures, and congratulated on his escape from Parliaments. Could words have been depended on, the nation appeared to be running fast into voluntary servitude, and seemed even ambitious of resigning into the king's hands all the privileges transmitted to them, through so many ages, by their gallant ancestors.

But Charles had sagacity enough to distinguish between men's real internal sentiments, and the language which zeal and opposition to a contrary faction may sometimes extort from them. Notwithstanding all these professions of duty and obedience, he was resolved not to trust, for a long time, the people with a new election, but to depend entirely on his own economy for alleviating those necessities under which he laboured. Great retrenchments were made in the household. Even his favourite navy was neglected. Tangiers, though it had cost great sums of money, was a few years after abandoned and demolished. The mole was entirely destroyed; and the garrison, being brought over to England, served to augment that small army, which the king relied on as the solid basis of his authority. It had been happy for the nation, had Charles used his victory with justice and moderation equal to the prudence and dexterity with which he obtained it.

The first step taken by the court was the trial of Fitzharris. Doubts were raised by the jury with regard to their power of trying him, after the concluding vote of the Commons: but the judges took upon them to decide the question in the affirmative; and the jury were obliged to proceed. The writing of the libel was clearly proved upon Fitz-harris: the only question was with regard to his intentions. He asserted, that he was a spy of the court, and had accordingly carried the libel to the Duchess of Portsmouth; and he was desirous that the jury should, in this transaction, consider him as a cheat, not as a traitor. He failed however somewhat in the proof; and was brought in guilty of treason by the jury. Finding himself entirely in the hands of the king, he now retracted all his former impostures with regard to the popish plot, and even endeavoured to atone for them by new impostures against the country party. He affirmed, that these fictions had been extorted from him by the suggestions and artifices of Treby the recorder, and of Bethel and Cornish, the two sheriffs. This account he persisted in even at his execution; and though men knew that nothing could be depended on which came from one so corrupt, and so lost to all sense of honour; yet were they inclined, from his perseverance, to rely somewhat more on his veracity in these last asseverations. But it appears that his wife had some connexions with Mrs. Wall, the favourite maid of the Duchess of Portsmouth; and Fitz-harris hoped, if he persisted in a story agreeable to the court, that some favour might, on that account, be shown to his family.

It is amusing to reflect on the several lights in which this story has been represented by the opposite factions. The country party affirmed that Fitz-harris had been employed by the court, in order to throw the odium of the libel on the exclusionists, and thereby give rise to a Protestant plot: the court party maintained that the exclusionists had found out Fitz-harris, a spy of the ministers, and had set him upon this undertaking, from an intention of loading the court with the imputation of such a design upon the exclusionists. Rather than acquit their antagonists, both sides were willing to adopt an account the most intricate and incredible. It was a strange situation in which the people at this time were placed; to be every day tortured with these perplexed stories, and inflamed with such dark suspicions against their fellow-citizens. This was no less than the fifteenth false plot, or sham-plot, as they were then called, with

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which the court, it was imagined, had endeavoured to load their adversaries[e].

The country party had intended to make use of Fitzharris's evidence against the duke and the Catholics; and his execution was therefore a great mortification to them. But the king and his ministers were resolved not to be contented with so slender an advantage. They were determined to pursue the victory, and to employ against the exclusionists those very offensive arms, however unfair, which that party had laid up in store against their antagonists. The whole gang of spies, witnesses, informers, suborners, who had so long been supported and encouraged by the leading patriots, finding now that the king was entirely master, turned short upon their old patrons, and offered their service to the ministers. To the disgrace of the court and of the age, they were received with hearty welcome; and their testimony, or rather perjury, made use of in order to commit legal murder upon the opposite party. With an air of triumph and derision it was asked, "Are not these men good witnesses, who have established the Popish plot, upon whose testimony Stafford and so many Catholics have been executed, and whom you yourselves have so long celebrated as men of credit and veracity? You have admitted them into your bosom: they are best acquainted with your treasons: they are determined in another shape to serve their king and country: and you cannot complain that the same measure, which you meted to others, should now, by a righteous doom or vengeance, be measured out to you."

It is certain that the principle of retaliation may serve in some cases as a full apology, in others as an alleviation, for a conduct which would otherwise be exposed to great blame. But these infamous arts, which poison justice in its very source, and break all the bands of human society, are so detestable and dangerous, that no pretence of retaliation can be pleaded as an apology or even an alleviation of the crime incurred by them. On the contrary, the greater indignation the king and his ministers felt, when formerly exposed to the perjuries of abandoned men, the more reluctance should they now

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[e] College's trial.

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have discovered against employing the same instruments of vengeance upon their antagonists.

The first person on whom the ministers fell was one College, a London joiner, who had become extremely noted for his zeal against popery, and was much connected with Shaftesbury and the leaders of the country party: for as they relied much upon the populace, men of College's rank and station were useful to them. College had been in Oxford, armed with sword and pistol, during the sitting of the Parliament; and this was made the foundation of his crime. It was pretended that a conspiracy had been entered into to seize the king's person, and detain him in confinement, till he should make the concessions demanded of him. The sheriffs of London were in strong opposition to the court; and it was not strange that the grand jury named by them rejected the bill against College. The prisoner was therefore sent to Oxford, where the treason was said to have been committed. Lord Norris, a courtier, was sheriff of the county; and the inhabitants were in general devoted to the court party. A jury was named, consisting entirely of royalists; and though they were men of credit and character, yet such was the factious rage which prevailed, that little justice could be expected by the prisoner. Some papers, containing hints and directions for his defence, were taken from him, as he was conducted to his trial: an iniquity, which some pretended to justify by alleging, that a like violence had been practised against a prisoner during the fury of the Popish plot. Such wild notions of retaliation were at that time propagated by the court party.

The witnesses produced against College were Dugdale, Turberville, Haynes, Smith; men who had before given evidence against the Catholics, and whom the jury, for that very reason, regarded as the most perjured villains. College, though beset with so many toils, and oppressed with so many iniquities, defended himself with spirit, courage, capacity, presence of mind; and he invalidated the evidence of the crown, by convincing arguments and undoubted testimony: yet did the jury, after half an hour's deliberation, bring in a verdict against him. The inhuman spectators received the verdict

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with a shout of applause: but the prisoner was nowise dismayed. At his execution, he maintained the same manly fortitude, and still denied the crime imputed to him. His whole conduct and demeanour prove him to have been a man led astray only by the fury of the times, and to have been governed by an honest, but indiscreet, zeal for his country and his religion.

Thus the two parties, actuated by mutual rage, but cooped up within the narrow limits of the law, levelled with poisoned daggers the most deadly blows against each other's breast, and buried in their factious divisions all regard to truth, honour, and humanity.

CHAPTER LXIX.

State of Affairs in Ireland.—Shaftesbury acquitted.—Argyle's Trial.—State of Affairs in Scotland.—State of the Ministry in England.—New Nomination of Sheriffs.—Quo Warrantos.—Great Power of the Crown.—A Conspiracy.—Shaftesbury retires and dies.—Rye-house Plot.—Conspiracy discovered.—Execution of the Conspirators.—Trial of Lord Russel.—His Execution.—Trial of Algernon Sidney.—His Execution.—State of the Nation.—State of foreign Affairs.—King's Sickness and Death—and Character.

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State of affairs in Ireland.

When the cabal entered into the mysterious alliance with France, they took care to remove the Duke of Ormond from the committee of foreign affairs; and nothing tended farther to increase the national jealousy entertained against the new measures, than to see a man of so much loyalty, as well as probity and honour, excluded from public councils. They had even so great interest with the king as to get Ormond recalled from the government of Ireland; and Lord Robarts, afterwards Earl of Radnor, succeeded him in that important employment. Lord Berkeley succeeded Robarts; and the Earl of Essex, Berkeley. At last, in the year 1677, Charles cast his eye again upon Ormond, whom he had so long neglected; and sent him over lieutenant to Ireland. "I have done every thing," said the king, "to disoblige that man; but it is not in my power to make him my enemy." Ormond, during his disgrace, had never joined the malecontents, nor encouraged those clamours which, with too much reason, but often for bad purposes, were raised against the king's measures. He even thought it his duty, regularly, though with dignity, to pay his court at Whitehall; and to prove that his attachments were founded on gratitude, inclination, and principle, not on any temporary advantages. All the expressions which dropped from him, while neglected by the court, showed more of good humour, than any prevalence of spleen and indignation. "I can do you no service," said he to his friends. "I have only the power left by my applications to do you some hurt." When Colonel Cary Dillon solicited him to

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second his pretensions for an office, and urged that he had no friends but God and his grace: "Alas! poor Cary," replied the duke, "I pity thee: thou couldst not have two friends that possess less interest at court." "I am thrown by," said he on another occasion, "like an old rusty clock; yet even that neglected machine, twice in twenty-four hours, points right."

On such occasions, when Ormond, from decency, paid his attendance at court, the king, equally ashamed to show him civility and to neglect him, was abashed and confounded. "Sir," said the profligate Buckingham, "I wish to know whether it be the Duke of Ormond that is out of favour with your majesty, or your majesty with the Duke of Ormond; for, of the two, you seem the most out of countenance."

When Charles found it his interest to show favour to the old royalists, and to the church of England, Ormond, who was much revered by that whole party, could not fail of recovering, together with the government of Ireland, his former credit and authority. His administration, when lord lieutenant, corresponded to the general tenor of his life; and tended equally to promote the interests of prince and people, of Protestant and Catholic. Ever firmly attached to the established religion, he was able, even during those jealous times, to escape suspicion, though he gratified not vulgar prejudices by any persecution of the popish party. He increased the revenue of Ireland to three hundred thousand pounds a year: he maintained a regular army of ten thousand men: he supported a well disciplined militia of twenty thousand: and though the act of settlement had so far been infringed, that Catholics were permitted to live in corporate towns, they were guarded with so careful an eye, that the most timorous Protestant never apprehended any danger from them.

The chief object of Essex's ambition was to return to the station of lord lieutenant, where he had behaved with honour and integrity. Shaftesbury and Buckingham bore an extreme hatred to Ormond, both from personal and party considerations: the great aim of the anti-courtiers was to throw reflections on every part of the king's government. It could be no surprise, therefore, to the lord

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lieutenant to learn, that his administration was attacked in Parliament, particularly by Shaftesbury; but he had the satisfaction, at the same time, to hear of the keen though polite defence, made by his son, the generous Ossory. After justifying several particulars of Ormond's administration against that intriguing patriot, Ossory proceeded in the following words: "Having spoken of what the lord lieutenant has done, I presume with the same truth to tell your lordships what he has not done. He never advised the breaking of the triple league; he never advised the shutting up of the exchequer; he never advised the declaration for a toleration; he never advised the falling out with the Dutch and the joining with France: he was not the author of that most excellent position, *Delenda est Carthago*, that Holland, a Protestant country, should, contrary to the true interest of England, be totally destroyed. I beg that your lordships will be so just as to judge of my father and all men, according to their actions and their counsels." These few sentences, pronounced by a plain gallant soldier, noted for probity, had a surprising effect upon the audience, and confounded all the rhetoric of his eloquent and factious adversary. The Prince of Orange, who esteemed the former character as much as he despised the latter, could not forbear congratulating by letter the Earl of Ossory on this new species of victory which he had obtained.

Ossory, though he ever kept at a distance from faction, was the most popular man in the kingdom; though he never made any compliance with the corrupt views of the court, was beloved and respected by the king. An universal grief appeared on his death, which happened about this time, and which the populace, as is usual wherever they are much affected, foolishly ascribed to poison. Ormond bore the loss with patience and dignity; though he ever retained a pleasing, however melancholy, sense of the signal merit of Ossory. "I would not exchange my dead son," said he, "for any living son in Christendom."

These particularities may appear a digression; but it is with pleasure, I own, that I relax myself for a moment in the contemplation of these humane and virtuous characters, amidst that scene of fury and faction, fraud

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and violence, in which at present our narration has unfortunately engaged us.

Besides the general interest of the country party to decry the conduct of all the king's ministers, the prudent and peaceful administration of Ormond was in a particular manner displeasing to them. In England, where the Catholics were scarcely one to a hundred, means had been found to excite an universal panic, on account of insurrections, and even massacres, projected by that sect; and it could not but seem strange that in Ireland, where they exceeded the Protestants six to one, there should no symptoms appear of any combination or conspiracy. Such an incident, when duly considered, might even in England shake the credit of the plot, and diminish the authority of those leaders, who had so long, with such industry, inculcated the belief of it on the nation. Rewards, therefore, were published in Ireland to any that would bring intelligence or become witnesses; and some profligates were sent over to that kingdom, with a commission to seek out evidence against the Catholics. Under pretence of searching for arms or papers, they broke into houses, and plundered them: they threw innocent men into prison, and took bribes for their release: and after all their diligence, it was with difficulty that that country, commonly fertile enough in witnesses, could furnish them with any fit for their purpose.

At last, one Fitzgerald appeared, followed by Ivey, Sanson, Dennis, Bourke, two Macnamaras, and some others. These men were immediately sent over to England; and though they possessed neither character sufficient to gain belief even for truth, nor sense to invent a credible falsehood, they were caressed, rewarded, supported, and recommended by the Earl of Shaftesbury. Oliver Plunket, the titular primate of Ireland, a man of peaceable dispositions, was condemned and executed upon such testimony. And the Oxford Parliament entered so far into the matter as to vote, that they were entirely satisfied in the reality of the *horrid* and *damnable* Irish plot. But such decisions, though at first regarded as infallible, had now lost much of their authority; and the public still remained somewhat indifferent and incredulous.

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After the dissolution of the Parliament, and the subsequent victory of the royalists, Shaftesbury's evidences, with Turberville, Smith, and others, addressed themselves to the ministers, and gave information of high treason against their former patron. It is sufficiently scandalous that intelligence, conveyed by such men, should have been attended to; but there is some reason to think, that the court agents, nay the ministers, nay the king himself[a], went farther, and were active in endeavouring, though in vain, to find more reputable persons to support the blasted credit of the Irish witnesses. Shaftesbury was committed to prison, and his indictment was presented to the grand jury. The new sheriffs of London, Shute and Pilkington, were engaged as deeply as their predecessors in the country party; and they took care to name a jury devoted to the same cause: a precaution quite necessary, when it was scarcely possible to find men indifferent or attached to neither party. As far as swearing could go, the treason was clearly proved against Shaftesbury; or rather so clearly as to merit no kind of credit or attention. That veteran leader of a party, inured from his early youth to faction and intrigue, to cabals and conspiracies, was represented as opening without reserve his treasonable intentions to these obscure banditti, and throwing out such violent and outrageous reproaches upon the king, as none but men of low education, like themselves, could be supposed to employ. The draft of an association, it is true, against popery and the duke, was found in Shaftesbury's cabinet; and dangerous inferences might be drawn from many clauses of that paper. But it did not appear that it had been framed by Shaftesbury, or so much as approved by him. And as projects of an association had been proposed in Parliament, it was very natural for this nobleman, or his correspondents, to be thinking of some plan, which it might be proper to lay before that assembly. The grand jury, therefore, after weighing all these circumstances, rejected the indictment; and the people, who attended the hall, testified their joy by the loudest acclamations, which were echoed throughout the whole city.

Shaftesbury acquitted.

About this time a scheme of oppression was laid in

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[a] See Captain Wilkinson's Narrative.

Scotland, after a manner still more flagrant, against a nobleman much less obnoxious than Shaftesbury; and as that country was reduced to a state of almost total subjection, the project had the good fortune to succeed.

Argyle's trial.

The Earl of Argyle, from his youth, had distinguished himself by his loyalty, and his attachment to the royal family. Though his father was head of the covenanters, he himself refused to concur in any of their measures: and when a commission of colonel was given him by the convention of states, he forbore to act upon it, till it should be ratified by the king. By his respectful behaviour, as well as by his services, he made himself acceptable to Charles, when that prince was in Scotland: and even after the battle of Worcester, all the misfortunes which attended the royal cause could not engage him to desert it. Under Middleton, he obstinately persevered to harass and infest the victorious English; and it was not till he received orders from that general, that he would submit to accept of a capitulation. Such jealousy of his loyal attachments was entertained by the commonwealth and protector, that a pretence was soon after fallen upon to commit him to prison; and his confinement was rigorously continued till the restoration. The king, sensible of his services, had remitted to him his father's forfeiture, and created him Earl of Argyle; and when a most unjust sentence was passed upon him by the Scottish Parliament, Charles had anew remitted it. In the subsequent part of this reign, Argyle behaved himself dutifully; and though he seemed not disposed to go all lengths with the court, he always appeared, even in his opposition, to be a man of mild dispositions and peaceable deportment.

A Parliament was summoned at Edinburgh this summer, and the duke was appointed commissioner. Besides granting money to the king, and voting the indefeasible right of succession, this Parliament enacted a test, which all persons possessed of offices, civil, military, or ecclesiastical, were bound to take. In this test, the king's supremacy was asserted, the covenant renounced, passive obedience assented to, and all obligations disclaimed of endeavouring any alteration in civil or ecclesiastical establishments. This was the state of the test, as proposed by the courtiers; but the country party proposed also to insert a clause, which could not with decency be refused, expressing the person's adherence to the Protestant religion. The whole was of an enormous length, considered as an oath; and what was worse, a confession of faith was there ratified, that had been imposed a little after the reformation, and which contained many articles altogether forgotten by the Parliament and nation. Among others, the doctrine of resistance was inculcated; so that the test, being voted in a hurry, was found on examination to be a medley of contradiction and absurdity. Several persons, the most attached to the crown, scrupled to take it: the bishops and many of the clergy remonstrated: the Earl of Queensberry refused to swear, except he might be allowed to add an explanation: and even the privy council thought it necessary to publish, for general satisfaction, a solution of some difficulties attending the test.

Though the courtiers could not reject the clause of adhering to the Protestant religion, they proposed, as a necessary mark of respect, that all princes of the blood should be exempted from taking the oath. This exception was zealously opposed by Argyle; who observed that the sole danger to be dreaded for the Protestant religion must proceed from the perversion of the royal family. By insisting on such topics, he drew on himself the secret indignation of the duke, of which he soon felt the fatal consequences.

When Argyle took the test as a privy counsellor, he subjoined, in the duke's presence, an explanation, which he had beforehand communicated to that prince, and which he believed to have been approved by him. It was in these words: "I have considered the test, and am very desirous of giving obedience as far as I can. I am confident that the Parliament never intended to impose contradictory oaths: therefore, I think, no man can explain it but for himself. Accordingly, I take it as far as it is consistent with itself and the Protestant religion. And I do declare, that I mean not to bind myself, in my station, and in a lawful way, from wishing and endeavouring any alteration, which I think to the advantage of church or state, and not repugnant to the Protestant religion and

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my loyalty: and this I understand as a part of my oath." The duke, as was natural, heard these words with great tranquillity: no one took the least offence: Argyle was admitted to sit that day in council: and it was impossible to imagine that a capital offence had been committed, where occasion seemed not to have been given, so much as for a frown or reprimand.

Argyle was much surprised, a few days after, to find that a warrant was issued for committing him to prison; that he was indicted for high treason, leasing-making, and perjury; and that from these innocent words an accusation was extracted, by which he was to forfeit honours, life, and fortune. It is needless to enter into particulars, where the iniquity of the whole is so apparent. Though the sword of justice was displayed, even her semblance was not put on; and the forms alone of law were preserved, in order to sanctify, or rather aggravate, the oppression. Of five judges, three did not scruple to find the guilt of treason and leasing-making to be incurred by the prisoner: a jury of fifteen noblemen gave verdict against him: and the king, being consulted, ordered the sentence to be pronounced; but the execution of it to be suspended till farther orders.

It was pretended by the duke and his creatures, that Argyle's life and fortune were not in any danger, and that the sole reason for pushing the trial to such extremities against him was in order to make him renounce some hereditary jurisdictions, which gave his family a dangerous authority in the Highlands, and obstructed the course of public justice. But allowing the end to be justifiable, the means were infamous; and such as were incompatible, not only with a free, but a civilized government. Argyle had therefore no reason to trust any longer to the justice or mercy of such enemies: he made his escape from prison; and till he should find a ship for Holland, he concealed himself during some time in London. The king heard of his lurking place, but would not allow him to be arrested [b]. All the parts, however, of his sentence, as far as the government in Scotland had power, were rigorously executed; his estate confiscated, his arms reversed and torn.

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[b] Burnet, vol. i. p. 522.

1681. State of affairs in Scotland.

It would seem, that the genuine passion for liberty was at this time totally extinguished in Scotland: there was only preserved a spirit of mutiny and sedition, encouraged by a mistaken zeal for religion. Cameron and Cargil, two furious preachers, went a step beyond all their brethren: they publicly excommunicated the king for his tyranny and his breach of the covenant; and they renounced all allegiance to him. Cameron was killed by the troops in an action at Airs Moss; Cargil was taken and hanged. Many of their followers were tried and convicted. Their lives were offered them if they would say, *God save the king:* but they would only agree to pray for his repentance. This obstinacy was much insisted on as an apology for the rigours of the administration: but if duly considered, it will rather afford reason for a contrary inference. Such unhappy delusion is an object rather of commiseration than of anger: and it is almost impossible that men could have been carried to such a degree of frenzy, unless provoked by a long train of violence and oppression.

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As the king was master in England, and no longer dreaded the clamours of the country party, he permitted the duke to pay him a visit; and was soon after prevailed on to allow of his return to England, and of his bearing a part in the administration. The duke went to Scotland, in order to bring up his family, and settle the government of that country; and he chose to take his passage by sea. The ship struck on a sand-bank, and was lost: the duke escaped in the barge; and it is pretended that, while many persons of rank and quality were drowned, and among the rest Hyde, his brother-in-law, he was very careful to save several of his dogs and priests; for these two species of favourites are coupled together by some writers. It has likewise been asserted, that the barge might safely have held more persons, and that some who swam to it were thrust off, and even their hands cut, in order to disengage them. But every action of every eminent person, during this period, is so liable to be misinterpreted and misrepresented by faction, that we ought to be very cautious in passing judgment on too slight evidence. It is remarkable, that the sailors on board the ship, though they felt themselves sinking, and

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saw inevitable death before their eyes, yet as soon as they observed the duke to be in safety, gave a loud shout, in testimony of their joy and satisfaction.

The duke, during his abode in Scotland, had behaved with great civility towards the gentry and nobility; and by his courtly demeanour had much won upon their affections: but his treatment of the enthusiasts was still somewhat rigorous; and in many instances he appeared to be a man of a severe, if not an unrelenting, temper. It is even asserted, that he sometimes assisted at the torture of criminals, and looked on with tranquillity, as if he were considering some curious experiment[c]. He left the authority in the hands of the Earl of Aberdeen, chancellor, and the Earl of Queensberry, treasurer. A very arbitrary spirit appeared in their administration. A gentleman of the name of Weir was tried, because he had kept company with one who had been in rebellion; though that person had never been marked out by process or proclamation. The inferences upon which Weir was condemned (for a prosecution by the government and a condemnation were in Scotland the same thing) hung upon each other after the following manner: No man, it was supposed, could have been in a rebellion without being exposed to suspicion in the neighbourhood: if the neighbourhood had suspected him, it was to be presumed that each individual had likewise heard of the grounds of suspicion: every man was bound to declare to the government his suspicion against every man, and to avoid the company of traitors; to fail in this duty was to participate in the treason: the conclusion on the whole was, You have conversed with a rebel; therefore you are yourself a rebel. A reprieve was, with some difficulty, procured for Weir; but it was seriously determined to make use of the precedent. Courts of judicature were erected in the southern and western counties, and a strict inquisition carried on against this new species of crime. The term of three years was appointed for the continuance of these courts; after which an indemnity was promised. Whoever would take the test was instantly entitled to the benefit of this indemnity.

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[c] Burnet, vol. i. p. 583. Wodrow, vol. ii. p. 169. This last author, who is much the better authority, mentions only one instance, that of Spreul, which seems to have been an extraordinary one.

The presbyterians, alarmed with such tyranny, from which no man could deem himself safe, began to think of leaving the country; and some of their agents were sent to England, in order to treat with the proprietors of Carolina for a settlement in that colony. Any condition seemed preferable to their living in their native country, which, by the prevalence of persecution and violence, was become as insecure to them as a den of robbers.

Above two thousand persons were outlawed on pretence of their conversing or having intercourse with rebels[d], and they were continually hunted in their retreat by soldiers, spies, informers, and oppressive magistrates. It was usual to put ensnaring questions to people living peaceably in their own houses; such as, "Will you renounce the covenant? Do you esteem the rising at Bothwell to be rebellion? Was the killing of the Archbishop of St. Andrew's murder?" And when the poor deluded creatures refused to answer, capital punishments were inflicted on them[e]. Even women were brought to the gibbet for this pretended crime. A number of fugitives, rendered frantic by oppression, had published a seditious declaration, renouncing allegiance to Charles Stuart, whom they called, as they, for their parts, had indeed some reason to esteem him, a tyrant. This incident afforded the privy-council a pretence for an unusual kind of oppression. Soldiers were dispersed over the country, and power was given to all commission-officers, even the lowest, to oblige every one they met with to abjure the declaration; and upon refusal, instantly, without farther questions, to shoot the delinquent[f]. It were endless, as well as shocking, to enumerate all the instances of persecution, or, in other words, of absurd tyranny, which at that time prevailed in Scotland. One of them, however, is so singular, that I cannot forbear relating it.

Three women were seized[g]; and the customary oath was tendered to them, by which they were to abjure the seditious declaration above mentioned. They all refused, and were condemned to a capital punishment by drowning. One of them was an elderly woman: the other two were young; one eighteen years of age, the other only

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[d] Wodrow, vol. ii. Appendix, 94.

[e] Ibid. vol. ii. passim.

[f] Ibid. vol. ii. p. 434.

[g] Idem. ibid. p. 505.

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thirteen. Even these violent persecutors were ashamed to put the youngest to death: but the other two were conducted to the place of execution, and were tied to stakes within the sea mark at low water; a contrivance which rendered their death lingering and dreadful. The elderly woman was placed farthest in, and by the rising of the waters was first suffocated. The younger, partly terrified with the view of her companion's death, partly subdued by the entreaty of her friends, was prevailed with to say, *God save the king.* Immediately the spectators called out that she had submitted; and she was loosened from the stake. Major Winram, the officer who guarded the execution, again required her to sign the abjuration; and upon her refusal, he ordered her instantly to be plunged in the water, where she was suffocated.

The severity of the administration in Scotland is in part to be ascribed to the duke's temper, to whom the king had consigned over the government of that country, and who gave such attention to affairs as to allow nothing of moment to escape him. Even the government of England, from the same cause, began to be somewhat infected with the same severity. The duke's credit was great at court. Though neither so much beloved nor esteemed as the king, he was more dreaded; and thence an attendance more exact, as well as a submission more obsequious, was paid to him. The saying of Waller was remarked, that Charles, in spite of the Parliament, who had determined that the duke should not succeed him, was resolved that he should reign even in his lifetime.

State of the ministry in England.

The king, however, who loved to maintain a balance in his councils, still supported Halifax, whom he created a marquis, and made privy seal, though ever in opposition to the duke. This man, who possessed the finest genius and most extensive capacity of all employed in public affairs during the present reign, affected a species of neutrality between the parties, and was esteemed the head of that small body known by the denomination of *trimmers.* This conduct, which is more natural to men of integrity than of ambition, could not, however, procure him the former character; and he was always, with reason, regarded as an intriguer rather than a patriot. Sunderland, who had promoted the exclusion bill, and who had been displaced on that account, was again, with the duke's consent, brought into the administration. The extreme duplicity, at least variableness, of this man's conduct, through the whole course of his life, made it be suspected that it was by the king's direction he had mixed with the country party. Hyde, created Earl of Rochester, was first commissioner of the treasury, and was entirely in the duke's interests.

The king himself was obliged to act as the head of a party; a disagreeable situation for a prince, and always the source of much injustice and oppression. He knew how obnoxious the dissenters were to the church, and he resolved, contrary to the maxims of toleration which he had hitherto supported in England, to gratify his friends by the persecution of his enemies. The laws against conventicles were now rigorously executed; an expedient which, the king knew, would diminish neither the numbers nor influence of the nonconformists; and which is therefore to be deemed more the result of passion than of policy. Scarcely any persecution serves the intended purpose but such as amounts to a total extermination.

New nomination of sheriffs.

Though the king's authority made every day great advances, it still met with considerable obstacles, chiefly from the city, which was entirely in the hands of the malecontents. The juries, in particular, named by the sheriffs, were not likely to be impartial judges between the crown and the people; and after the experiments already made in the case of Shaftesbury and that of College, treason, it was apprehended, might there be committed with impunity. There could not therefore be a more important service to the court than to put affairs upon a different footing. Sir John More, the mayor, was gained by Secretary Jenkins, and encouraged to insist upon the customary privilege of his office, of naming one of the sheriffs. Accordingly, when the time of election came, he drank to North, a Levant merchant, who accepted of that expensive office. The country party said, that being lately returned from Turkey, he was, on account of his recent experience, better qualified to serve the purposes of the court. A poll was opened

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for the election of another sheriff; and here began the contest. The majority of the common hall, headed by the two sheriffs of the former year, refused to acknowledge the mayor's right of appointing one sheriff, but insisted that both must be elected by the livery. Papillon and Dubois were the persons whom the country party agreed to elect: Box was pointed out by the courtiers. The poll was opened; but as the mayor would not allow the election to proceed for two vacancies, the sheriffs and he separated, and each carried on the poll apart. The country party, who voted with the sheriffs for Papillon and Dubois were much more numerous than those who voted with the mayor for Box: but as the mayor insisted that his poll was the only legal one, he declared Box to be duly elected. All difficulties, however, were not surmounted. Box, apprehensive of the consequences which might attend so dubious an election, fined off; and the mayor found it necessary to proceed to a new choice. When the matter was proposed to the common hall, a loud cry was raised, "No election! No election!" The two sheriffs already elected, Papillon and Dubois, were insisted on as the only legal magistrates. But as the mayor still maintained, that Box alone had been legally chosen, and that it was now requisite to supply his place, he opened books anew; and during the tumult and confusion of the citizens, a few of the mayor's partisans elected Rich, unknown to and unheeded by the rest of the livery. North and Rich were accordingly sworn in sheriffs for the ensuing year; but it was necessary to send a guard of the train-bands to protect them in entering upon their office. A new mayor of the court party was soon after chosen, by means, as is pretended, still more violent and irregular.

24th June.

25th Oct.

Thus the country party were dislodged from their strong hold in the city, where, ever since the commencement of factions in the English government, they had, without interruption, almost without molestation, maintained a superiority. It had been happy had the partialities, hitherto objected to juries, been corrected, without giving place to partialities of an opposite kind. But in the present distracted state of the nation, an equitable neutrality was almost impossible to be attained.

1682. The court and church party, who were now named on juries, made justice subservient to their factious views; and the king had a prospect of obtaining full revenge on his enemies. It was not long before the effects of these alterations were seen. When it was first reported that the duke intended to leave Scotland, Pilkington, at that time sheriff, a very violent man, had broken out in these terms, "He has already burned the city, and he is now coming to cut all our throats!" For these scandalous expressions, the duke sued Pilkington; and enormous damages, to the amount of one hundred thousand pounds, were decreed him. By the law of England, ratified in the great charter, no fine or damages ought to extend to the total ruin of a criminal. Sir Patience Ward, formerly mayor, who gave evidence for Pilkington, was sued for perjury and condemned to the pillory; a severe sentence, and sufficient to deter all witnesses from appearing in favour of those who were prosecuted by the court.

1683. But though the crown had obtained so great a victory in the city, it was not quite decisive; and the contest might be renewed every year at the election of magistrates. An important project, therefore, was formed, not only to make the king master of the city, but by that precedent to gain him uncontrolled influence in all the corporations of England, and thereby give the greatest wound to the legal constitution, which the most powerful and most arbitrary monarchs had ever yet been able to inflict. A writ of *quo warranto* was issued against the city; that is, an inquiry into the validity of its charter. It was pretended, that the city had forfeited all its privileges, and ought to be declared no longer a corporation, on account of two offences which the court of aldermen and common council had committed. After the great fire in 1666, all the markets had been rebuilt, and had been fitted up with many conveniences; and, in order to defray the expense, the magistrates had imposed a small toll on goods brought to market. In the year 1679, they had addressed the king against the prorogation of Parliament, and had employed the following terms: "Your petitioners are greatly surprised at the late prorogation, whereby the prosecution of the

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public justice of the kingdom, and the making of necessary provisions for the preservation of your majesty and your Protestant subjects, have received interruption." These words were pretended to contain a scandalous reflection on the king and his measures. The cause of the city was defended against the attorney and solicitor generals by Treby and Pollexfen.

These last pleaded, that, since the foundation of the monarchy, no corporation had ever yet been exposed to forfeiture, and the thing itself implied an absurdity: that a corporation, as such, was incapable of all crime or offence, and none were answerable for any iniquity but the persons themselves who committed it: that the members, in choosing magistrates, had entrusted them with legal powers only; and where the magistrates exceeded these powers, their acts were void, but could never involve the body itself in any criminal imputation: that such had ever been the practice of England, except at the reformation, when the monasteries were abolished; but this was an extraordinary case; and it was even thought necessary to ratify afterwards the whole transaction by act of Parliament: that corporate bodies, framed for public good, and calculated for perpetual duration, ought not to be annihilated for the temporary faults of their members, who might themselves, without hurting the community, be questioned for their offences: that even a private estate, if entailed, could not be forfeited to the crown, on account of treason committed by the tenant for life; but upon his demise went to the next in remainder: that the offences, objected to the city, far from deserving so severe a punishment, were not even worthy of the smallest reprehension: that all corporations were invested with the power of making bylaws; and the smallest borough in England had ever been allowed to carry the exercise of this power farther than London had done in the instance complained of: that the city, having, at its own expense, repaired the markets, which were built too on its own estate, might as lawfully claim a small recompense from such as brought commodities thither, as a man might require rent for a house of which he was possessed: that those who disliked the condition might abstain from the market, and whoever

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paid had done it voluntarily: that it was an avowed right of the subjects to petition; nor had the city in their address abused this privilege: that the king himself had often declared, the Parliament often voted, the nation to be in danger from the popish plot; which, it is evident, could not be fully prosecuted but in a parliamentary manner: that the impeachment of the popish lords was certainly obstructed by the frequent prorogations; as was also the enacting of necessary laws, and providing for the defence of the nation: that the loyalty of the city, no less than their regard to self-preservation, might prompt them to frame the petition; since it was acknowledged, that the king's life was every moment exposed to the most imminent danger from the popish conspiracy: that the city had not accused the king of obstructing justice, much less of having any such intention; since it was allowed, that evil counsellors were alone answerable for all the pernicious consequences of any measure: and that it was unaccountable, that two public deeds which had not, during so long a time, subjected to any, even the smallest penalty, the persons guilty of them, should now be punished so severely upon the corporation, which always was, and always must be, innocent.

12th June.

It is evident, that those who would apologize for the measures of the court must, in this case, found their arguments, not on law, but reasons of state. The judges, therefore, who condemned the city, are inexcusable; since the sole object of their determinations must ever be the pure principles of justice and equity. But the office of judge was at that time held during pleasure; and it was impossible that any cause, where the court bent its force, could ever be carried against it. After sentence was pronounced, the city applied in a humble manner to the king; and he agreed to restore their charter, but in return they were obliged to submit to the following regulations: That no mayor, sheriff, recorder, common serjeant, town clerk, or coroner, should be admitted to the exercise of his office without his majesty's approbation: that if the king disapprove twice of the mayor or sheriffs elected, he may by commission appoint these magistrates: that the mayor and court of aldermen may, with his majesty's leave, displace any magistrate: and that no alderman, in case of a vacancy, shall be elected without consent of the court of aldermen, who, if they disapprove twice of the choice, may fill the vacancy.

Great power of the crown.

All the corporations in England, having the example of London before their eyes, saw how vain it would prove to contend with the court, and were, most of them, successively induced to surrender their charters into the king's hands. Considerable sums were exacted for restoring the charters; and all offices of power and profit were left at the disposal of the crown. It seems strange, that the independent royalists, who never meant to make the crown absolute, should yet be so elated with the victory obtained over their adversaries, as to approve of a precedent, which left no national privileges in security, but enabled the king, under like pretences, and by means of like instruments, to recall anew all those charters which at present he was pleased to grant: and every friend to liberty must allow, that the nation, whose constitution was thus broken in the shock of faction, had a right, by every prudent expedient, to recover that security of which it was so unhappily bereaved.

While so great a faction adhered to the crown, it is apparent that resistance, however justifiable, could never be prudent; and all wise men saw no expedient but peaceably to submit to the present grievances. There was, however, a party of malecontents, so turbulent in their disposition, that even before this last iniquity, which laid the whole constitution at the mercy of the king, they had meditated plans of resistance; at a time when it could be as little justifiable as prudent. In the spring of 1681 [h], a little before the Oxford Parliament, the king was seized with a fit of sickness at Windsor, which gave great alarm to the public. The Duke of Monmouth, Lord Russel, Lord Gray, instigated by the restless Shaftesbury, had agreed, in case the king's sickness should prove mortal, to rise in arms, and to oppose the succession of the duke. Charles recovered; but these danger-

A conspiracy.

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[h] Lord Gray's Secret History of the Rye-house Plot. This is the most full and authentic account of all these transactions; but is in the main confirmed by Bishop Sprat, and even Burnet, as well as by the trials and dying confessions of the conspirators: so that nothing can be more unaccountable than that any one should pretend that this conspiracy was an imposture like the popish plot. Monmouth's declaration, published in the next reign, confesses a consult for extraordinary remedies.

ous projects were not laid aside. The same conspirators, together with Essex and Salisbury, were determined to continue the Oxford Parliament, after the king, as was daily expected, should dissolve it; and they engaged some leaders among the Commons in the same desperate measure. They went so far as to detain several lords in the House, under pretence of signing a protest against rejecting Fitz-harris's impeachment: but hearing that the Commons had broken up in great consternation, they were likewise obliged at last to separate. Shaftesbury's imprisonment and trial put an end for some time to these machinations; and it was not till the new sheriffs were imposed on the city that they were revived. The leaders of the country party began then to apprehend themselves in imminent danger; and they were well pleased to find that the citizens were struck with the same terror, and were thence inclined to undertake the most perilous enterprises. Besides the city, the gentry and nobility in several counties of England were solicited to rise in arms. Monmouth engaged the Earl of Macclesfield, Lord Brandon, Sir Gilbert Gerrard, and other gentlemen in Cheshire; Lord Russel fixed a correspondence with Sir William Courtney, Sir Francis Bowles, Sir Francis Drake, who promised to raise the west; and Trenchard, in particular, who had interest in the disaffected town of Taunton, assured him of considerable assistance from that neighbourhood. Shaftesbury, and his emissary Ferguson, an independent clergyman, and a restless plotter, managed the correspondence in the city, upon which the confederates chiefly relied. The whole train was ready to take fire; but was prevented by the caution of Lord Russel, who induced Monmouth to delay the enterprise. Shaftesbury, in the mean time, was so much affected with the sense of his danger, that he had left his house, and secretly lurked in the city; meditating all those desperate schemes, which disappointed revenge and ambition could inspire. He exclaimed loudly against delay, and represented to his confederates that having gone so far, and entrusted the secret into so many hands, there was no safety for them but in a bold and desperate prosecution of their purpose. The projects were therefore renewed: meetings of the conspirators were appointed in different houses, particularly

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in Shephard's, an eminent wine-merchant in the city: the plan of an insurrection was laid in London, Cheshire, Devonshire, and Bristol: the several places of rendezvous were concerted, and all the operations fixed: the state of the guards was even viewed by Monmouth and Armstrong, and an attack on them pronounced practicable: a declaration to justify the enterprise to the public was read and agreed to: and every circumstance seemed now to render an insurrection unavoidable; when a new delay was procured by Trenchard, who declared, that the rising in the west could not for some weeks be in sufficient forwardness.

Shaftesbury was enraged at these perpetual cautions and delays in an enterprise which, he thought, nothing but courage and celerity could render effectual: he threatened to commence the insurrection with his friends in the city alone; and he boasted, that he had ten thousand *brisk boys*, as he called them, who, on a motion of his finger, were ready to fly to arms. Monmouth, Russel, and the other conspirators, were, during some time, in apprehensions, lest despair should push him into some dangerous measure; when they heard, that, after a long combat between fear and rage, he had at last abandoned all hopes of success, and had retired into Holland. He lived in a private manner at Amsterdam; and for greater security desired to be admitted into the magistracy of that city: but his former violent counsels against the Dutch commonwealth were remembered; and all applications from him were rejected. He died soon after; and his end gave neither sorrow to his friends, nor joy to his enemies. His furious temper, notwithstanding his capacity, had done great injury to the cause in which he was engaged. The violences and iniquities which he suggested and encouraged were greater than even faction itself could endure; and men could not forbear sometimes recollecting, that the same person who had become so zealous a patriot, was once a most prostitute courtier. It is remarkable, that this man, whose principles and conduct were, in all other respects, so exceptionable, proved an excellent chancellor; and that all his decrees, while he possessed that high office, were equally remarkable for justness and for integrity. So difficult is it to find

Shaftesbury retires and dies.

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in history a character either wholly bad or perfectly good; though the prejudices of party make writers run easily into the extremes both of panegyric and of satire!

After Shaftesbury's departure, the conspirators found some difficulty in renewing the correspondence with the city malecontents, who had been accustomed to depend solely on that nobleman. Their common hopes, however, as well as common fears, made them at last have recourse to each other; and a regular project of an insurrection was again formed. A council of six was erected, consisting of Monmouth, Russel, Essex, Howard, Algernon Sidney, and John Hambden, grandson of the great parliamentary leader. These men entered into an agreement with Argyle and the Scottish malecontents; who engaged, that, upon the payment of ten thousand pounds for the purchase of arms in Holland, they would bring the covenanters into the field. Insurrections, likewise, were anew projected in Cheshire, and the west, as well as in the city; and some meetings of the leaders were held, in order to reduce these projects into form. The conspirators differed extremely in their views. Sidney was passionate for a commonwealth. Essex had embraced the same project. But Monmouth had entertained hopes of acquiring the crown for himself. Russel, as well as Hambden, was much attached to the ancient constitution, and intended only the exclusion of the duke, and the redress of grievances. Lord Howard was a man of no principle, and was ready to embrace any party which his immediate interest should recommend to him. But notwithstanding this difference of characters and of views, their common hatred of the duke and the present administration united them in one party; and the dangerous experiment of an insurrection was fully resolved on.

Rye-house plot.

While these schemes were concerting among the leaders, there was an inferior order of conspirators, who held frequent meetings; and, together with the insurrection, carried on projects quite unknown to Monmouth and the cabal of six. Among these men were Colonel Rumsey, an old republican officer, who had distinguished himself in Portugal, and had been recommended to the king, by Mareschal Schomberg; Lieutenant-Colonel Walcot, likewise a republican officer; Goodenough,

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under-sheriff of London, a zealous and noted party man; West, Tyley, Norton, Ayloffe, lawyers; Ferguson, Rouse, Hone, Keiling, Holloway, Bourne, Lee, Rumbald. Most of these last were merchants or tradesmen; and the only persons in this confederacy who had access to the leaders of the party were Rumsey and Ferguson. When these men met together, they indulged themselves in the most desperate and most criminal discourse: they frequently mentioned the assassination of the king and the duke, to which they had given the familiar appellation of *lopping:* they even went so far as to have thought of a scheme for that purpose. Rumbald, who was a maltster, possessed a farm called the Rye-house, which lay on the road to Newmarket, whither the king commonly went once a year for the diversion of the races. A plan of this farm had been laid before some of the conspirators by Rumbald, who showed them how easy it would be, by overturning a cart, to stop at that place the king's coach; while they might fire upon him from the hedges, and be enabled afterwards, through by-lanes, and across the fields, to make their escape. But though the plausibility of this scheme gave great pleasure to the conspirators, no concerted design was as yet laid, nor any men, horses, or arms provided: the whole was little more than loose discourse, the overflowings of their zeal and rancour. The house in which the king lived at Newmarket, took fire accidentally; and he was obliged to leave that place eight days sooner than he intended. To this circumstance his safety was afterwards ascribed, when the conspiracy was detected; and the court party could not sufficiently admire the wise dispensations of Providence. It is indeed certain, that as the king had thus unexpectedly left Newmarket, he was worse attended than usual; and Rumbald informed his confederates with regret, what a fine opportunity was thus unfortunately lost.

Conspiracy discovered.

Among the conspirators I have mentioned Keiling, a salter in London. This man had been engaged in a bold measure, of arresting the mayor of London, at the suit of Papillon and Dubois, the outed sheriffs; and being liable to prosecution for that action, he thought it safest to purchase a pardon, by revealing the conspiracy, in which he was deeply concerned. He brought to Secretary Jenkins

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intelligence of the assassination plot; but as he was a single evidence, the secretary, whom many false plots had probably rendered incredulous, scrupled to issue warrants for the commitment of so great a number of persons. Keiling, therefore, in order to fortify his testimony, engaged his brother in treasonable discourse with Goodenough, one of the conspirators; and Jenkins began now to give more attention to the intelligence. The conspirators had got some hint of the danger in which they were involved; and all of them concealed themselves. One person alone, of the name of Barber, an instrument-maker, was seized; and as his confession concurred in many particulars with Keiling's information, the affair seemed to be put out of all question; and a more diligent search was every where made after the conspirators.

West, the lawyer, and Colonel Rumsey, finding the perils to which they were exposed in endeavouring to escape, resolved to save their own lives at the expense of their companions; and they surrendered themselves with an intention of becoming evidence. West could do little more than confirm the testimony of Keiling, with regard to the assassination plot; but Rumsey, besides giving additional confirmation of the same design, was at last, though with much difficulty, led to reveal the meetings at Shephard's. Shephard was immediately apprehended; and had not courage to maintain fidelity to his confederates. Upon his information, orders were issued for arresting the great men engaged in the conspiracy. Monmouth absconded: Russel was sent to the Tower: Gray was arrested, but escaped from the messenger: Howard was taken, while he concealed himself in a chimney; and being a man of profligate morals as well as indigent circumstances, he scrupled not, in hopes of a pardon and a reward, to reveal the whole conspiracy. Essex, Sidney, and Hambden were immediately apprehended upon his evidence. Every day some of the conspirators were detected in their lurking-places, and thrown into prison.

Execution of the conspirators.

Lieutenant-Colonel Walcot was first brought to his trial. This man, who was once noted for bravery, had been so far overcome by the love of life, that he had written to Secretary Jenkins, and had offered, upon pro-

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mise of pardon, to turn evidence: but no sooner had he taken this mean step than he felt more generous sentiments arise in him; and he endeavoured, though in vain, to conceal himself. The witnesses against him were Rumsey, West, Shephard, together with Bourne, a brewer. His own letter to the secretary was produced, and rendered the testimony of the witnesses unquestionable. Hone and Rouse were also condemned. These two men, as well as Walcot, acknowledged, at their execution, the justice of the sentence; and from their trial and confession it is sufficiently apparent, that the plan of an insurrection had been regularly formed; and that even the assassination had been often talked of, and not without the approbation of many of the conspirators.

Trial of Lord Russel,

The condemnation of these criminals was probably intended as a preparative to the trial of Lord Russel, and served to impress the public with a thorough belief of the conspiracy, as well as a horror against it. The witnesses produced against the noble prisoner were, Rumsey, Shephard, and Lord Howard. Rumsey swore, that he himself had been introduced to the cabal at Shephard's, where Russel was present; and had delivered them a message from Shaftesbury, urging them to hasten the intended insurrection; but had received for answer, that it was found necessary to delay the design, and that Shaftesbury must therefore, for some time, rest contented. This answer, he said, was delivered by Ferguson, but was assented to by the prisoner. He added, that some discourse had been entered into about taking a survey of the guards; and he thought that Monmouth, Gray, and Armstrong undertook to view them. Shephard deposed, that his house had beforehand been bespoken by Ferguson for the secret meeting of the conspirators, and that he had been careful to keep all his servants from approaching them, and had served them himself. Their discourse, he said, ran chiefly upon the means of surprising the guards; and it was agreed that Monmouth and his two friends should take a survey of them. The report, which they brought next meeting, was, that the guards were remiss, and that the design was practicable: but he did not affirm that any resolution was taken of executing it. The prisoner, he thought, was present at both these meetings; but he was sure that at least he was present at one of them. A declaration, he added, had been read by Ferguson in Russel's presence: the reasons of the intended insurrection were there set forth, and all the public grievances fully displayed.

Lord Howard had been one of the cabal of six, established after Shaftesbury's flight; and two meetings had been held by the conspirators, one at Hambden's, another at Russel's. Howard deposed, that at the first meeting it was agreed to begin the insurrection in the country before the city; the places were fixed, the proper quantity and kind of arms agreed on, and the whole plan of operations concerted: that at the second meeting the conversation chiefly turned upon their correspondence with Argyle and the discontented Scots, and that the principal management of that affair was entrusted to Sidney, who had sent one Aaron Smith into Scotland with proper instructions. He added, that in these deliberations no question was put, or votes collected; but there was no contradiction; and, as he took it, all of them, and the prisoner among the rest, gave their consent.

Rumsey and Shephard were very unwilling witnesses against Lord Russel; and it appears from Gray's Secret History [i], that, if they had pleased, they could have given a more explicit testimony against him. This reluctance, together with the difficulty in recollecting circumstances of a conversation which had passed above eight months before, and which the persons had not at that time any intention to reveal, may beget some slight objection to their evidence. But on the whole it was undoubtedly proved, that the insurrection had been deliberated on by the prisoner, and fully resolved; the surprisal of the guards deliberated on, but not fully resolved; and that an assassination had never once been mentioned nor imagined by him. So far the matter of fact seems certain: but still, with regard to law, there remained a difficulty, and that of an important nature.

The English laws of treason, both in the manner of defining that crime, and in the proof required, are the mildest and most indulgent, and consequently the most

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equitable, that are anywhere to be found. The two chief species of treason contained in the statute of Edward III. are the compassing and intending of the king's death, and the actually levying of war against him; and by the law of Mary, the crime must be proved by the concurring testimony of two witnesses to some overt act tending to these purposes. But the lawyers, partly desirous of paying court to the sovereign, partly convinced of ill consequences which might attend such narrow limitations, had introduced a greater latitude, both in the proof and definition of the crime. It was not required that the two witnesses should testify the same precise overt act: it was sufficient that they both testified some overt act of the same treason; and though this evasion may seem a subtilty, it had long prevailed in the courts of judicature, and had at last been solemnly fixed by Parliament at the trial of Lord Stafford. The lawyers had used the same freedom with the law of Edward III. They had observed, that, by that statute, if a man should enter into a conspiracy for a rebellion, should even fix a correspondence with foreign powers for that purpose, should provide arms and money, yet, if he were detected, and no rebellion ensued, he could not be tried for treason. To prevent this inconvenience, which it had been better to remedy by a new law, they had commonly laid their indictment for intending the death of the king, and had produced the intention of rebellion as a proof of that other intention. But though this form of indictment and trial was very frequent, and many criminals had received sentence upon it, it was still considered as somewhat irregular, and was plainly confounding, by a sophism, two species of treason, which the statute had accurately distinguished. What made this refinement still more exceptionable was, that a law had passed soon after the restoration; in which the consulting or the intending of a rebellion was, during Charles's lifetime, declared treason; and it was required, that the prosecution should be commenced within six months after the crime was committed. But, notwithstanding this statute, the lawyers had persevered, as they still do persevere, in the old form of indictment; and both Sir Harry Vane and Oliver Plunket, titular primate of Ireland, had been tried by it.

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Such was the general horror entertained against the old republicans and the popish conspirators, that no one had murmured against this interpretation of the statute; and the lawyers thought that they might follow the precedent even in the case of the popular and beloved Lord Russel. Russel's crime fell plainly within the statute of Charles the Second; but the facts sworn to by Rumsey and Shephard were beyond the six months required by law, and to the other facts Howard was a single witness. To make the indictment, therefore, more extensive, the intention of murdering the king was comprehended in it; and for proof of this intention the conspiracy for raising a rebellion was assigned; and what seemed to bring the matter still nearer, the design of attacking the king's guards.

Russel perceived this irregularity, and desired to have the point argued by counsel; the chief justice told him, that this favour could not be granted, unless he previously confessed the facts charged upon him. The artificial confounding of the two species of treason, though a practice supported by many precedents, is the chief, but not the only, hardship of which Russel had reason to complain on his trial. His defence was feeble; and he contented himself with protesting, that he never had entertained any design against the life of the king: his veracity would not allow him to deny the conspiracy for an insurrection. The jury were men of fair and reputable characters, but zealous royalists: after a short deliberation, they brought in the prisoner guilty.

Applications were made to the king for a pardon: even money, to the amount of a hundred thousand pounds, was offered to the Duchess of Portsmouth by the old Earl of Bedford, father to Russel. The king was inexorable. He had been extremely harassed with the violence of the country party; and he had observed, that the prisoner, besides his secret designs, had always been carried to the highest extremity of opposition in Parliament. Russel had even adopted a sentiment, similar to what we meet with in a letter of the younger Brutus. Had his father, he said, advised the king to reject the exclusion bill, he would be the first to move for a parliamentary impeachment against him. When such determined

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resolution was observed, his popularity, his humanity, his justice, his very virtues, became so many crimes, and were used as arguments against sparing him. Charles, therefore, would go no farther than remitting the more ignominious part of the sentence which the law requires to be pronounced against traitors. "Lord Russel," said he, "shall find, that I am possessed of that prerogative, which, in the case of Lord Stafford, he thought proper to deny me." As the fury of the country party had rendered it impossible for the king, without the imminent danger of his crown, to pardon so many Catholics, whom he firmly believed innocent, and even affectionate and loyal to him; he probably thought that, since the edge of the law was now ready to fall upon that party themselves, they could not reasonably expect that he would interpose to save them.

Russel's consort, a woman of virtue, daughter and heir of the good Earl of Southampton, threw herself at the king's feet, and pleaded with many tears the merits and loyalty of her father, as an atonement for those errors, into which honest, however mistaken, principles had seduced her husband. These supplications were the last instance of female weakness (if they deserve the name) which she betrayed. Finding all applications vain, she collected courage, and not only fortified herself against the fatal blow, but endeavoured, by her example, to strengthen the resolution of her unfortunate lord. With a tender and decent composure, they took leave of each other on the day of his execution. "The bitterness of death is now past," said he, when he turned from her. Lord Cavendish had lived in the closest intimacy with Russel, and deserted not his friend in the present calamity. He offered to manage his escape by changing clothes with him, and remaining at all hazards in his place. Russel refused to save his own life, by an expedient which might expose his friend to so many hardships. When the Duke of Monmouth by message offered to surrender himself, if Russel thought that this measure would anywise contribute to his safety: "It will be no advantage to me," he said, "to have my friends die with me." Some of his expressions discover, not only composure, but good humour, in this melancholy extremity. The day before his execution he was seized with a bleeding at the nose. "I shall not now let blood to divert this distemper," said he to Dr. Burnet, who attended him, "that will be done to-morrow." A little before the sheriffs conducted him to the scaffold, he wound up his watch: "Now I have done," said he, "with time, and henceforth must think solely of eternity."

July 21.

The scaffold was erected in Lincoln's Inn Fields, a place distant from the Tower; and it was probably intended, by conducting Russel through so many streets, to show the mutinous city their beloved leader, once the object of all their confidence, now exposed to the utmost rigours of the law. As he was the most popular among his own party; so was he ever the least obnoxious to the opposite faction: and his melancholy fate united every heart, sensible of humanity, in a tender compassion for him. Without the least change of countenance he laid his head on the block; and at two strokes it was severed from his body.

and execution.

In the speech which he delivered to the sheriffs, he was very anxious to clear his memory from any imputation of ever intending the king's death, or any alteration in the government: he could not explicitly confess the projected insurrection without hurting his friends, who might still be called in question for it; but he did not purge himself of that design, which, in the present condition of the nation, he regarded as no crime. By many passages in his speech he seems to the last to have lain under the influence of party zeal; a passion which, being nourished by a social temper, and clothing itself under the appearance of principle, it is almost impossible for a virtuous man, who has acted in public life, ever thoroughly to eradicate. He professed his entire belief in the popish plot: and he said, that, though he had often heard the seizure of the guards mentioned, he had ever disapproved of that attempt. To which he added, that the massacring of so many innocent men in cool blood was so like a popish practice, that he could not but abhor it. Upon the whole, the integrity and virtuous intentions, rather than the capacity, of this unfortunate nobleman, seem to have been the shining parts of his character.

Algernon Sidney was next brought to his trial. This

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Trial of Algernon Sidney.

gallant person, son of the Earl of Leicester, had entered deeply into the war against the late king; and though nowise tainted with enthusiasm, he had so far shared in all the councils of the independent republican party, as to have been named on the high court of justice which tried and condemned that monarch: he thought not proper, however, to take his seat among the judges. He ever opposed Cromwell's usurpation with zeal and courage; and after making all efforts against the restoration, he resolved to take no benefit of the general indemnity, but chose voluntary banishment, rather than submit to a government and family which he abhorred. As long as the republican party had any existence, he was active in every scheme, however unpromising, which tended to promote their cause: but at length, in 1677, finding it necessary for his private affairs to return to England, he had applied for the king's pardon, and had obtained it. When the factions arising from the popish plot began to run high, Sidney, full of those ideas of liberty which he had imbibed from the great examples of antiquity, joined the popular party; and was even willing to seek a second time, through all the horrors of civil war, for his adored republic.

From this imperfect sketch of the character and conduct of this singular personage, it may easily be conceived how obnoxious he was become to the court and ministry: what alone renders them blamable, was the illegal method which they took for effecting their purpose against him. On Sidney's trial they produced a great number of witnesses, who proved the reality of a plot in general; and when the prisoner exclaimed, that all these evidences said nothing of him, he was answered, that this method of proceeding, however irregular, had been practised in the prosecutions of the popish conspirators; a topic more fit to condemn one party, than to justify the other. The only witness who deposed against Sidney was Lord Howard; but as the law required two witnesses, a strange expedient was fallen on to supply this deficiency. In ransacking the prisoner's closet, some discourses on government were found; in which he had maintained principles favourable indeed to liberty, but such as the best and most dutiful subjects

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in all ages have been known to embrace; the original contract, the source of power from a consent of the people, the lawfulness of resisting tyrants, the preference of liberty to the government of a single person. These papers were asserted to be equivalent to a second witness, and even to many witnesses. The prisoner replied, that there was no other reason for ascribing these papers to him as the author besides a similitude of hand; a proof which was never admitted in criminal prosecutions: that, allowing him to be the author, he had composed them solely for his private amusement, and had never published them to the world, or even communicated them to any single person: that, when examined, they appeared, by the colour of the ink, to have been written many years before, and were in vain produced as evidence of a present conspiracy against the government: and that, where the law positively requires two witnesses, one witness, attended with the most convincing circumstances, could never suffice; much less when supported by a circumstance so weak and precarious. All these arguments, though urged by the prisoner with great courage and pregnancy of reason, had no influence. The violent and inhuman Jefferies was now chief justice; and by his direction a partial jury was easily prevailed on to give verdict against Sidney. His execution followed a few days after. He complained, and with reason, of the iniquity of the sentence; but he had too much greatness of mind to deny those conspiracies with Monmouth and Russel in which he had been engaged. He rather gloried, that he now suffered for that *good old cause* in which, from his earliest youth, he said, he had enlisted himself.

Dec. 17. His execution.

The execution of Sidney is regarded as one of the greatest blemishes of the present reign. The evidence against him, it must be confessed, was not legal; and the jury, who condemned him, were, for that reason, very blamable. But that, after sentence passed by a court of judicature, the king should interpose and pardon a man who, though otherwise possessed of merit, was undoubtedly guilty, who had ever been a most inflexible and most inveterate enemy to the royal family, and who lately had even abused the king's clemency, might be an act of heroic generosity, but can never be regarded as a necessary and indispensable duty.

Howard was also the sole evidence against Hambden; and his testimony was not supported by any material circumstance. The crown lawyers therefore found it in vain to try the prisoner for treason; they laid the indictment only for a misdemeanour, and obtained sentence against him. The fine imposed was exorbitant; no less than forty thousand pounds.

Holloway, a merchant of Bristol, one of the conspirators, had fled to the West Indies, and was now brought over. He had been outlawed; but the year allowed him for surrendering himself was not expired. A trial was therefore offered him: but as he had at first confessed his being engaged in a conspiracy for an insurrection, and even allowed that he had heard some discourse of an assassination, though he had not approved of it, he thought it more expedient to throw himself on the king's mercy. He was executed, persisting in the same confession.

Sir Thomas Armstrong, who had been seized in Holland, and sent over by Chidley, the king's minister, was precisely in the same situation with Holloway: but the same favour, or rather justice, was refused him. The lawyers pretended, that, unless he had voluntarily surrendered himself before the expiration of the time assigned, he could not claim the privilege of a trial; not considering that the seizure of his person ought in equity to be supposed the accident which prevented him. The king bore a great enmity against this gentleman, by whom he believed the Duke of Monmouth to have been seduced from his duty: he also asserted that Armstrong had once promised Cromwell to assassinate him; though it must be confessed, that the prisoner justified himself from this imputation by very strong arguments. These were the reasons of that injustice which was now done him. It was apprehended that sufficient evidence of his guilt could not be produced; and that even the partial juries which were now returned, and which allowed themselves to be entirely directed by Jefferies and other violent judges, would not give sentence against him.

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On the day that Russel was tried, Essex, a man eminent both for virtues and abilities, was found in the Tower with his throat cut. The coroner's inquest brought in their verdict, *self-murder:* yet because two children ten years old (one of whom too departed from his evidence) had affirmed that they heard a great noise from his window, and that they saw a hand throw out a bloody razor; these circumstances were laid hold of, and the murder was ascribed to the king and the duke, who happened that morning to pay a visit to the Tower. Essex was subject to fits of deep melancholy, and had been seized with one immediately upon his commitment: he was accustomed to maintain the lawfulness of suicide: and his countess, upon a strict inquiry, which was committed to the care of Dr. Burnet, found no reason to confirm the suspicion: yet could not all these circumstances, joined to many others, entirely remove the imputation. It is no wonder that faction is so productive of vices of all kinds; for, besides that it inflames all the passions, it tends much to remove those great restraints, honour and shame; when men find that no iniquity can lose them the applause of their own party, and no innocence secure them against the calumnies of the opposite.

But though there is no reason to think that Essex had been murdered by any orders from court, it must be acknowledged that an unjustifiable use in Russel's trial was made of that incident. The king's counsel mentioned it in their pleadings as a strong proof of the conspiracy; and it is said to have had great weight with the jury. It was insisted on in Sidney's trial for the same purpose.

State of the nation.

Some memorable causes, tried about this time, though they have no relation to the Rye-house conspiracy, show the temper of the bench and of the juries. Oates was convicted of having called the duke a popish traitor; was condemned in damages to the amount of one hundred thousand pounds; and was adjudged to remain in prison till he should make payment. A like sentence was passed upon Dutton Colt for a like offence. Sir Samuel Barnardiston was fined ten thousand pounds; because in some private letters, which had been intercepted, he had reflected on the government. This gentleman was

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obnoxious, because he had been foreman of that jury which rejected the bill against Shaftesbury. A pretence was therefore fallen upon for punishing him; though such a precedent may justly be deemed a very unusual act of severity, and sufficient to destroy all confidence in private friendship and correspondence.

There is another remarkable trial which shows the disposition of the courts of judicature, and which, though it passed in the ensuing year, it may not be improper to relate in this place. One Rosewell, a presbyterian preacher, was accused by three women of having spoken treasonable words in a sermon. They swore to two or three periods, and agreed so exactly together, that there was not the smallest variation in their depositions. Rosewell, on the other hand, made a very good defence. He proved that the witnesses were lewd and infamous persons. He proved that, even during Cromwell's usurpations, he had always been a royalist; that he prayed constantly for the king and his family; and that in his sermons he often inculcated the obligations of loyalty. And as to the sermon of which he was accused, several witnesses who heard it, and some who wrote it in short-hand, deposed that he had used no such expressions as those which were imputed to him. He offered his own notes as a farther proof. The women could not show, by any circumstance or witness, that they were at his meeting; and the expressions to which they deposed were so gross, that no man in his senses could be supposed to employ them before a mixed audience. It was also urged, that it appeared next to impossible for three women to remember so long a period upon one single hearing, and to remember it so exactly as to agree to a tittle in their depositions with regard to it. The prisoner offered to put the whole upon this issue: he would pronounce, with his usual tone of voice, a period as long as that to which they had sworn; and then let them try to repeat it, if they could. What was more unaccountable, they had forgotten even the text of his sermon; nor did they remember any single passage, but the words to which they gave evidence. After so strong a defence, the solicitor-general thought not proper to make any reply; even Jefferies went no farther than some general declamations against conventicles and presbyterians: yet so violent were party prejudices, that the jury gave a verdict against the prisoner; which, however, appeared so palpably unjust, that it was not carried into execution.

The Duke of Monmouth had absconded on the first discovery of the conspiracy; and the court could get no intelligence of him. At length Halifax, who began to apprehend the too great prevalence of the royal party, and who thought that Monmouth's interest would prove the best counterpoise to the duke's, discovered his retreat, and prevailed on him to write two letters to the king, full of the tenderest and most submissive expressions. The king's fondness was revived; and he permitted Monmouth to come to court. He even endeavoured to mediate a reconciliation between his son and his brother; and having promised Monmouth, that his testimony should never be employed against any of his friends, he engaged him to give a full account of the plot. But, in order to put the country party to silence, he called next day an extraordinary council, and informed them that Monmouth had showed great penitence for the share which he had had in the late conspiracy, and had expressed his resolutions never more to engage in such criminal enterprises. He went so far as to give orders, that a paragraph to the like purpose should be inserted in the gazette. Monmouth kept silence till he had obtained his pardon in form: but finding that, by taking this step, he was entirely disgraced with his party, and that, even though he should not be produced in court as an evidence, his testimony, being so publicly known, might have weight with juries on any future trial, he resolved at all hazards to retrieve his honour. His emissaries, therefore, received orders to deny that he had ever made any such confession as that which was imputed to him; and the party exclaimed that the whole was an imposture of the court. The king, provoked at this conduct, banished Monmouth his presence, and afterwards ordered him to depart the kingdom.

The court was aware that the malecontents in England had held a correspondence with those of Scotland; and that Baillie of Jerviswood, a man of merit and learning, with two gentlemen of the name of Campbell, had

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come to London, under pretence of negotiating the settlement of the Scottish presbyterians in Carolina, but really with a view of concerting measures with the English conspirators. Baillie was sent prisoner to Edinburgh; but as no evidence appeared against him, the council required him to swear, that he would answer all questions which should be propounded to him. He refused to submit to so iniquitous a condition; and a fine of six thousand pounds was imposed upon him. At length, two persons, Spence and Carstares, being put to the torture, gave evidence which involved the Earl of Tarras and some others, who, in order to save themselves, were reduced to accuse Baillie. He was brought to trial; and being in so languishing a condition from the treatment which he had met with in prison, that it was feared he would not survive that night, he was ordered to be executed the very afternoon on which he received sentence.

The severities exercised during this part of the present reign were much contrary to the usual tenor of the king's conduct; and though those who studied his character more narrowly have pronounced that towards great offences he was rigid and inexorable, the nation were more inclined to ascribe every unjust or hard measure to the prevalence of the duke, into whose hands the king had, from indolence, not from any opinion of his brother's superior capacity, resigned the reins of government. The crown, indeed, gained great advantage from the detection of the conspiracy, and lost none by the rigorous execution of the conspirators. The horror entertained against the assassination plot, which was generally confounded with the project for an insurrection, rendered the whole party unpopular, and reconciled the nation to the measures of the court. The most loyal addresses came from all parts; and the doctrine of submission to the civil magistrate, and even of an unlimited passive obedience, became the reigning principle of the times. The university of Oxford passed a solemn decree, condemning some doctrines which they termed republican, but which indeed are, most of them, the only tenets on which liberty and a limited constitution can be founded. The faction of the exclusionists, lately so numerous, powerful, and zealous, were at the king's feet; and were as much fallen in their spirit as in their credit with the nation. Nothing that had the least appearance of opposition to the court could be hearkened to by the public[k].

The king endeavoured to increase his present popularity by every art; and knowing that the suspicion of popery was of all others the most dangerous, he judged it proper to marry his niece, the Lady Anne, to Prince George, brother to the King of Denmark. All the credit, however, and persuasion of Halifax, could not engage him to call a Parliament, or trust the nation with the election of a new representative. Though his revenues were extremely burdened, he rather chose to struggle with the present difficulties, than try an experiment which, by raising afresh so many malignant humours, might prove dangerous to his repose. The duke likewise zealously opposed this proposal, and even engaged the king in measures which could have no tendency but to render any accommodation with a Parliament altogether impracticable. Williams, who had been speaker during the two last Parliaments, was prosecuted for warrants, issued by him, in obedience to orders of the House: a breach of privilege, which it seemed not likely any future House of Commons would leave unquestioned. Danby and the popish lords, who had so long been confined in the Tower, and who saw no prospect of a trial in Parliament, applied by petition, and were admitted to bail: a measure just in itself, but deemed a great encroachment on the privileges of that assembly. The duke, contrary to law, was restored to the office of high admiral without taking the test.

Had the least grain of jealousy or emulation been mixed in the king's character; had he been actuated by that concern for his people's or even for his own honour which his high station demanded, he would have hazarded many domestic inconveniences rather than allow France to domineer in so haughty a manner as that which at present she assumed in every negotiation. The peace of

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[k] In the month of November this year died Prince Rupert, in the sixty-third year of his age. He had left his own country so early, that he had become an entire Englishman, and was even suspected, in his latter days, of a bias to the country party. He was for that reason much neglected at court. The Duke of Lauderdale died also this year.

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State of foreign affairs.

Nimeguen, imposed by the Dutch on their unwilling allies, had disjointed the whole confederacy; and all the powers engaged in it had disbanded their supernumerary troops, which they found it difficult to subsist. Lewis alone still maintained a powerful army, and by his preparations rendered himself every day more formidable. He now acted as if he were the sole sovereign in Europe, and as if all other princes were soon to become his vassals. Courts or chambers were erected in Metz and Brisac, for re-uniting such territories as had ever been members of any part of his new conquests. They made inquiry into titles buried in the most remote antiquity. They cited the neighbouring princes to appear before them, and issued decrees expelling them the contested territories. The important town of Strasbourg, an ancient and a free state, was seized by Lewis: Alost was demanded of the Spaniards, on a frivolous and even ridiculous pretence; and upon their refusal to yield it, Luxembourg was blockaded, and soon after taken[1]. Genoa had been bombarded, because the Genoese had stipulated to build some galleys for the Spaniards; and in order to avoid more severe treatment, that republic was obliged to yield to the most mortifying conditions. The empire was insulted in its head and principal members; and used no other expedient for redress, than impotent complaints and remonstrances.

Spain was so enraged at the insolent treatment which she met with, that, without considering her present weak condition, she declared war against her haughty enemy. She hoped that the other powers of Europe, sensible of the common danger, would fly to her assistance. The Prince of Orange, whose ruling passions were love of war and animosity against France, seconded everywhere the applications of the Spaniards. In the year 1681, he made a journey to England, in order to engage the king into closer measures with the confederates. He also proposed to the states to make an augmentation of their forces; but several of the provinces, and even the town of Amsterdam, had been gained by the French, and the proposal was rejected. The prince's enemies derived the most plausible reasons of their opposition from the situation of England, and the known and avowed attachments of the English monarch.

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[1] It appears from Sir John Dalrymple's Appendix, that the king received from France a million of livres for his connivance at the seizure of Luxembourg, besides his ordinary pension.

No sooner had Charles dismissed his Parliament, and embraced the resolution of governing by prerogative alone, than he dropped his new alliance with Spain, and returned to his former dangerous connexions with Lewis. This prince had even offered to make him arbiter of his differences with Spain; and the latter power, sensible of Charles's partiality, had refused to submit to such a disadvantageous proposal. Whether any money was now remitted to England, we do not certainly know; but we may fairly presume that the king's necessities were in some degree relieved by France[m]. And though Charles had reason to apprehend the utmost danger from the great and still increasing naval power of that kingdom, joined to the weak condition of the English fleet, no consideration was able to rouse him from his present lethargy.

It is here we are to fix the point of the highest exaltation which the power of Lewis, or that of any European prince since the age of Charlemagne, had ever attained. The monarch most capable of opposing his progress was entirely engaged in his interests; and the Turks, invited by the malecontents of Hungary, were preparing to invade the emperor, and to disable that prince from making head against the progress of the French power. Lewis may even be accused of oversight, in not making sufficient advantage of such favourable opportunities, which he was never afterwards able to recall. But that monarch, though more governed by motives of ambition, than by those of

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[m] The following passage is an extract from M. Barillon's letters, kept in the *Dépôt des Affaires Etrangères* at Versailles. It was lately communicated to the author while in France. "Convention verbale arrêtée le 1 Avril, 1681. Charles II. s'engage à ne rien omettre pour pouvoir faire connoître à sa majesté qu'elle avoit raison de prendre confiance en lui; à se dégager peu à peu de l'alliance avec l'Espagne, et à se mettre en état de ne point être contraint par son parlement de faire quelque chose d'opposé aux nouveaux engagemens qu'il prenoit. En conséquence, le roi promet un subside de deux millions, la première des trois années de cet engagement, et cinq cents mille écus les deux autres, se contentant de la parole de sa majesté Britannique, d'agir à l'égard de sa majesté conformément aux obligations qu'il lui avoit. Le Sr. Hyde demanda que le roi s'engagea à ne point attaquer les Pays Bas et même Strasbourg, temoignant que le roi son maître ne pourroit s'empêcher de secourir les Pays Bas, quand même son parlement ne seroit point assemblé. M. Barillon lui répondit en termes généraux, par ordre du roi, que sa majesté n'avoit point intention de rompre la paix, et qu'il n'engageroit pas sa majesté Britannique en choses contraires à ses véritables intérêts."

1684. justice or moderation, was still more actuated by the suggestions of vanity. He contented himself with insulting and domineering over all the princes and free states of Europe; and he thereby provoked their resentment without subduing their power. While every one, who approached his person, and behaved with submission to his authority, was treated with the highest politeness; all the neighbouring potentates had successively felt the effects of his haughty imperious disposition. And by indulging his poets, orators, and courtiers, in their flatteries, and in their prognostications of universal empire, he conveyed faster than by the prospect of his power alone, the apprehension of general conquest and subjection.

1685. The French greatness never, during his whole reign, inspired Charles with any apprehensions; and Clifford, it is said, one of his most favoured ministers, went so far as to affirm, that it were better for the king to be viceroy under a great and generous monarch, than a slave to five hundred of his own insolent subjects. The ambition, therefore, and uncontrolled power of Lewis were no diminution of Charles's happiness; and in other respects his condition seemed at present more eligible than it had ever been since his restoration. A mighty faction, which had shaken his throne, and menaced his family, was totally subdued; and by their precipitate indiscretion had exposed themselves both to the rigour of the laws and to public hatred. He had recovered his former popularity in the nation; and what probably pleased him more than having a compliant Parliament, he was enabled to govern altogether without one. But it is certain that the king, amidst all these promising circumstances, was not happy or satisfied. Whether he found himself exposed to difficulties for want of money, or dreaded a recoil of the popular humour from the present arbitrary measures, is uncertain. Perhaps the violent, imprudent temper of the duke, by pushing Charles upon dangerous attempts, gave him apprehension and uneasiness. He was overheard one day to say, in opposing some of the duke's hasty counsels, "Brother, I am too old to go again to my travels: you may, if you choose it." Whatever was the cause of the king's dissatisfaction, it seems probable that he was meditating some change of measures, and had formed a new plan of administration. He was determined, it is thought, to send the duke to Scotland, to recall Monmouth, to summon a Parliament, to dismiss all his unpopular ministers, and to throw himself entirely on the good-will and affections of his subjects[n]. Amidst these truly wise and virtuous designs, he was seized with a sudden fit, which resembled an apoplexy; and though he was recovered from it by bleeding, he languished only for a few days, and then expired in the fifty-fifth year of his age, and twenty-fifth of his reign. He was so happy in a good constitution of body, and had ever been so remarkably careful of his health, that his death struck as great a surprise into his subjects, as if he had been in the flower of his youth. And their great concern for him, owing to their affection for his person, as well as their dread of his successor, very naturally, when joined to the critical time of his death, begat the suspicion of poison. All circumstances however considered, this suspicion must be allowed to vanish, like many others, of which all histories are full.

King's sickness,

and death, 6th Feb.

During the few days of the king's illness, clergymen of the church of England attended him; but he discovered a total indifference towards their devotions and exhortations. Catholic priests were brought, and he received the sacrament from them, accompanied with the other rites of the Romish church. Two papers were found in his cabinet, written with his own hand, and containing arguments in favour of that communion. The duke had the imprudence immediately to publish these papers, and thereby both confirmed all the reproaches of those who had been the greatest enemies to his brother's measures, and afforded to the world a specimen of his own bigotry.

and character.

If we survey the character of Charles II. in the different lights which it will admit of, it will appear various, and give rise to different and even opposite sentiments. When considered as a companion, he appears the most amiable and engaging of men; and, indeed, in this view, his deportment must be allowed altogether unexceptionable. His love of raillery was so tempered with good breeding, that it was never offensive: his propensity to

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[n] King James's Memoirs confirm this rumour, as also D'Avaux's Negotiations, 14th Dec. 1684.

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satire was so checked with discretion, that his friends never dreaded their becoming the object of it: his wit, to use the expression of one who knew him well, and who was himself a good judge[o], could not be said so much to be very refined or elevated, qualities apt to beget jealousy and apprehension in company, as to be a plain, gaining, well-bred, recommending kind of wit. And though perhaps he talked more than strict rules of behaviour might permit, men were so pleased with the affable, communicative deportment of the monarch, that they always went away contented both with him and with themselves. This indeed is the most shining part of the king's character; and he seems to have been sensible of it: for he was fond of dropping the formality of state, and of relapsing every moment into the companion.

In the duties of private life, his conduct, though not free from exception, was, in the main, laudable. He was an easy, generous lover; a civil, obliging husband; a friendly brother, an indulgent father, and a good-natured master[p]. The voluntary friendships, however, which this prince contracted, nay, even his sense of gratitude, were feeble; and he never attached himself to any of his ministers or courtiers with a sincere affection. He believed them to have no motive in serving him but self-interest; and he was still ready, in his turn, to sacrifice them to present ease or convenience.

With a detail of his private character, we must set bounds to our panegyric on Charles. The other parts of his conduct may admit of some apology, but can deserve small applause. He was indeed so much fitted for private life, preferably to public, that he even possessed order, frugality, and economy, in the former; was profuse, thoughtless, and negligent, in the latter. When we consider him as a sovereign, his character, though not altogether destitute of virtue, was in the main dangerous to his people, and dishonourable to himself. Negligent of the interests of the nation, careless of its glory, averse to its religion, jealous of its liberty, lavish of its treasure, sparing only of its blood; he exposed it by his measures, though he ever appeared but in sport, to the danger of a furious civil war, and even to the ruin and ignominy of a foreign conquest. Yet may all these enormities, if fairly and candidly examined, be imputed, in a great measure, to the indolence of his temper: a fault, which, however unfortunate in a monarch, it is impossible for us to regard with great severity.

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[o] Marquis of Halifax.

[p] Duke of Buckingham.

It has been remarked of Charles, that he never said a foolish thing, nor ever did a wise one: a censure which, though too far carried, seems to have some foundation in his character and deportment. When the king was informed of this saying, he observed, that the matter was easily accounted for; for that his discourse was his own, his actions were the ministry's.

If we reflect on the appetite for power inherent in human nature, and add to it the king's education in foreign countries, and among the cavaliers, a party which would naturally exaggerate the late usurpations of popular assemblies upon the rights of monarchy; it is not surprising that civil liberty should not find in him a very zealous patron. Harassed with domestic faction, weary of calumnies and complaints, oppressed with debts, straitened in his revenue, he sought, though with feeble efforts, for a form of government, more simple in its structure, and more easy in its management. But his attachment to France, after all the pains which we have taken, by inquiry and conjecture, to fathom it, contains still something, it must be confessed, mysterious and inexplicable. The hopes of rendering himself absolute by Lewis's assistance seem so chimerical, that they could scarcely be retained with such obstinacy by a prince of Charles's penetration; and as to pecuniary subsidies, he surely spent much greater sums in one season, during the second Dutch war, than were remitted him from France during the whole course of his reign. I am apt, therefore, to imagine, that Charles was in this particular guided chiefly by inclination, and by a prepossession in favour of the French nation: he considered that people as gay, sprightly, polite, elegant, courteous, devoted to their prince, and attached to the Catholic faith; and for these reasons he cordially loved them. The opposite character of the Dutch had rendered them the objects of his aversion; and even the uncourtly humours of the English made him very indifferent towards them. Our

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The character of this prince has been elaborately drawn by two great masters, perfectly well acquainted with him, the Duke of Buckingham and the Marquis of Halifax; not to mention several elegant strokes given by Sir William Temple. Dr. Welwood, likewise, and Bishop Burnet have employed their pencil on the same subject. But the former is somewhat partial in his favour; as the latter is by far too harsh and malignant. Instead of finding an exact parallel between Charles II. and the Emperor Tiberius, as asserted by that prelate, it would be more just to remark a full contrast and opposition. The emperor seems as much to have surpassed the king in abilities, as he falls short of him in virtue. Provident, wise, active, jealous, malignant, dark, sullen, unsociable, reserved, cruel, unrelenting, unforgiving; these are the lights under which the Roman tyrant has been transmitted to us; and the only circumstance in which it can justly be pretended he was similar to Charles is his love of women, a passion which is too general to form any striking resemblance, and which that detestable and detested monster shared also with unnatural appetites.

CHAPTER LXX.

JAMES II.

King's first Transactions.—A Parliament.—Arguments for and against a Revenue for Life.—Oates convicted of Perjury.—Monmouth's Invasion,—his Defeat,—and Execution.—Cruelties of Kirke,—and of Jefferies.—State of Affairs in Scotland.—Argyle's Invasion,—Defeat,—and Execution.—A Parliament.—French Persecutions.—The dispensing Power.—State of Ireland.—Breach betwixt the King and the Church.—Court of Ecclesiastical Commission.—Sentence against the Bishop of London.—Suspension of the Penal Laws.—State of Ireland.—Embassy to Rome.—Attempt on Magdalen College.—Imprisonment, Trial, and Acquittal of the Bishops.—Birth of the Prince of Wales.

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King's first transactions.

The first act of James's reign was to assemble the privy council; where, after some praises bestowed on the memory of his predecessor, he made professions of his resolution to maintain the established government, both in church and state. Though he had been reported, he said, to have imbibed arbitrary principles, he knew that the laws of England were sufficient to make him as great a monarch as he could wish; and he was determined never to depart from them; and as he had heretofore ventured his life in defence of the nation, he would still go as far as any man in maintaining all its just rights and liberties.

This discourse was received with great applause, not only by the council, but by the nation. The king universally passed for a man of great sincerity and great honour; and as the current of favour ran at that time for the court, men believed that his intentions were conformable to his expressions. "We have now," it was said, "the word of a king; and a word never yet broken." Addresses came from all quarters, full of duty, nay, of the most servile adulation. Every one hastened to pay court to the new monarch[a]; and James had reason to

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[a] The quakers' address was esteemed somewhat singular for its plainness and simplicity. It was conceived in these terms: "We are come to testify our sorrow for the death of our good friend Charles, and our joy for thy being made our governor. We are told thou art not of the persuasion of the church of England, no more than we: wherefore we hope thou wilt grant us the same liberty which thou allowest thyself. Which doing we wish thee all manner of happiness."

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think, that, notwithstanding the violent efforts made by so potent a party for his exclusion, no throne in Europe was better established than that of England.

The king, however, in the first exercise of his authority, showed, that either he was not sincere in his professions of attachment to the laws, or that he had entertained so lofty an idea of his own legal power, that even his utmost sincerity would tend very little to secure the liberties of the people. All the customs and the greater part of the excise had been settled by Parliament on the late king during life, and consequently the grant was now expired; nor had the successor any right to levy these branches of revenue. But James issued a proclamation, ordering the customs and excise to be paid as before; and this exertion of power he would not deign to qualify by the least act or even appearance of condescension. It was proposed to him, that, in order to prevent the ill effects of any intermission in levying these duties, entries should be made, and bonds for the sums be taken from the merchants and brewers, but the payment be suspended till the Parliament should give authority to receive it. This precaution was recommended as an expression of deference to that assembly, or rather to the laws: but for that very reason, probably, it was rejected by the king, who thought that the Commons would thence be invited to assume more authority, and would regard the whole revenue, and consequently the whole power of the crown, as dependent on their good will and pleasure.

The king likewise went openly, and with all the ensigns of his dignity, to mass, an illegal meeting; and by this imprudence he displayed at once his arbitrary disposition, and the bigotry of his principles; those two great characteristics of his reign, and bane of his administration. He even sent Caryl as his agent to Rome, in order to make submissions to the pope, and to pave the way for a solemn readmission of England into the bosom of the Catholic church. The pope, Innocent XI., prudently advised the king not to be too precipitate in his measures, nor rashly attempt what repeated experience might convince him was impracticable. The Spanish ambassador, Ronquillo, deeming the tranquillity of England necessary for the support of Spain, used the freedom to make like remonstrances. He observed to the king, how busy the priests appeared at court, and advised him not to assent with too great facility to their dangerous counsels. "Is it not the custom in Spain," said James, "for the king to consult with his confessor?" "Yes," replied the ambassador, "and it is for that very reason our affairs succeed so ill."

James gave hopes, on his succession, that he would hold the balance of power more steadily than his predecessor; and that France, instead of rendering England subservient to her ambitious projects, would now meet with strong opposition from that kingdom. Besides applying himself to business with industry, he seemed jealous of national honour, and expressed great care, that no more respect should be paid to the French ambassador at London than his own received at Paris. But these appearances were not sufficiently supported, and he found himself immediately under the necessity of falling into an union with that great monarch, who by his power as well as his zeal, seemed alone able to assist him in the projects formed for promoting the Catholic religion in England.

Notwithstanding the king's prejudices, all the chief offices of the crown continued still in the hands of Protestants. Rochester was treasurer; his brother Clarendon chamberlain; Godolphin chamberlain to the queen; Sunderland secretary of state; Halifax president of the council. This nobleman had stood in opposition to James during the last years of his brother's reign; and when he attempted, on the accession, to make some apology for his late measures, the king told him, that he would forget every thing past, except his behaviour during the bill of exclusion. On other occasions, however, James appeared not of so forgiving a temper. When the principal exclusionists came to pay their respects to the new sovereign, they either were not admitted, or were received very coldly, sometimes even with frowns. This conduct might suit the character, which the king so much affected, of sincerity; but by showing that a King of England could resent the quarrels of a Duke of York, he gave his people no high idea either of his lenity or magnanimity.

On all occasions, the king was open in declaring that men must now look for a more active and more vigilant government, and that he would retain no ministers who did not practise an unreserved obedience to his commands. We are not indeed to look for the springs of his administration so much in his council and chief officers of state, as in his own temper, and in the character of those persons with whom he secretly consulted. The queen had great influence over him; a woman of spirit, whose conduct had been popular till she arrived at that high dignity. She was much governed by the priests, especially the Jesuits; and as these were also the king's favourites, all public measures were taken originally from the suggestions of these men, and bore evident marks of their ignorance in government, and of the violence of their religious zeal.

The king, however, had another attachment, seemingly not very consistent with this devoted regard to his queen and to his priests: it was to Mrs. Sedley, whom he soon after created Countess of Dorchester, and who expected to govern him with the same authority which the Duchess of Portsmouth had possessed during the former reign. But James, who had entertained the ambition of converting his people, was told that the regularity of his life ought to correspond to the sanctity of his intentions; and he was prevailed with to remove Mrs. Sedley from court: a resolution in which he had not the courage to persevere. Good agreement between the mistress and the confessor of princes is not commonly a difficult matter to compass; but in the present case these two potent engines of command were found very incompatible. Mrs. Sedley, who possessed all the wit and ingenuity of her father, Sir Charles, made the priests and their counsels the perpetual objects of her raillery; and it is not to be doubted, but they, on their part, redoubled their exhortations with their penitent to break off so criminal an attachment.

How little inclination soever the king, as well as his queen and priests, might bear to an English Parliament, it was absolutely necessary, at the beginning of the reign, to summon that assembly. The low condition to which the whigs or country party had fallen during the last years of Charles's reign, the odium under which they laboured on account of the Rye-house conspiracy; these causes made that party meet with little success in the elections. The general resignation, too, of the charters had made the corporations extremely dependent; and the recommendations of the court, though little assisted, at that time, by pecuniary influence, were become very prevalent. The new House of Commons, therefore, consisted almost entirely of zealous tories and churchmen; and were of consequence strongly biassed, by their affections, in favour of the measures of the crown.

A Parliament.

19th May.

The discourse which the king made to the Parliament was more fitted to work on their fears than their affections. He repeated indeed, and with great solemnity, the promise which he had made before the privy council, of governing according to the laws, and of preserving the established religion. But at the same time he told them, that he positively expected they would settle his revenue, and during life too, as in the time of his brother. "I might use many arguments," said he, "to enforce this demand; the benefit of trade, the support of the navy, the necessities of the crown, and the well-being of the government itself, which I must not suffer to be precarious; but I am confident, that your own consideration, and your sense of what is just and reasonable, will suggest to you whatever on this occasion might be enlarged upon. There is indeed one popular argument," added he, "which may be urged against compliance with my demand: men may think, that by feeding me from time to time with such supplies as they think convenient, they will better secure frequent meetings of Parliament: but as this is the first time I speak to you from the throne, I must plainly tell you, that such an expedient would be very improper to employ with me, and that the best way to engage me to meet you often is always to use me well."

It was easy to interpret this language of the king. He plainly intimated, that he had resources in his prerogative for supporting the government, independent of their supplies; and that so long as they complied with his demands, he would have recourse to them; but that any ill usage on their part would set him free from those measures of government, which he seemed to regard

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more as voluntary than as necessary. It must be confessed, that no Parliament in England was ever placed in a more critical situation, nor where more forcible arguments could be urged, either for their opposition to the court, or their compliance with it.

Reasons for and against a revenue during life.

It was said on the one hand, that jealousy of royal power was the very basis of the English constitution, and the principle to which the nation was beholden for all that liberty which they enjoy above the subjects of other monarchies. That this jealousy, though, at different periods, it may be more or less intense, can never safely be laid asleep, even under the best and wisest princes. That the character of the present sovereign afforded cause for the highest vigilance, by reason of the arbitrary principles which he had imbibed; and still more by reason of his religious zeal, which it is impossible for him ever to gratify, without assuming more authority than the constitution allows him. That power is to be watched in its very first encroachments; nor is any thing ever gained by timidity and submission. That every concession adds new force to usurpation; and at the same time, by discovering the dastardly dispositions of the people, inspires it with new courage and enterprise. That as arms were entrusted altogether in the hands of the prince, no check remained upon him but the dependent condition of his revenue; a security, therefore, which it would be the most egregious folly to abandon. That all the other barriers, which, of late years, had been erected against arbitrary power, would be found, without this capital article, to be rather pernicious and destructive. That new limitations in the constitution stimulated the monarch's inclination to surmount the laws, and required frequent meetings of Parliament, in order to repair all the breaches which either time or violence may have made upon that complicated fabric. That recent experience during the reign of the late king, a prince who wanted neither prudence nor moderation, had sufficiently proved the solidity of all these maxims. That his Parliament, having rashly fixed his revenue for life, and at the same time repealed the triennial bill, found that they themselves were no longer of importance, and that liberty, not protected by national assemblies, was exposed to every outrage and violation; and that the more openly the king made an unreasonable demand, the more obstinately ought it to be refused; since it is evident, that his purpose in making it cannot possibly be justifiable.

On the other hand it was urged, that the rule of watching the very first encroachments of power could only have place where the opposition to it could be regular, peaceful, and legal. That though the refusal of the king's present demand might seem of this nature, yet in reality it involved consequences which led much farther than at first sight might be apprehended. That the king in his speech had intimated, that he had resources in his prerogative, which, in case of opposition from Parliament, he thought himself fully entitled to employ. That if the Parliament openly discovered an intention of reducing him to dependence, matters must presently be brought to a crisis, at a time the most favourable to his cause, which his most sanguine wishes could ever have promised him. That if we cast our eyes abroad, to the state of affairs on the continent, and to the situation of Scotland and Ireland, or, what is of more importance, if we consider the disposition of men's minds at home, every circumstance would be found adverse to the cause of liberty. That the country party, during the late reign, by their violent and, in many respects, unjustifiable measures in Parliament, by their desperate attempts out of Parliament, had exposed their principles to general hatred, and had excited extreme jealousy in all the royalists and zealous churchmen, who now formed the bulk of the nation. That it would not be acceptable to that party to see this king worse treated than his brother in point of revenue, or any attempts made to keep the crown in dependence. That they thought Parliaments as liable to abuse as courts, and desired not to see things in a situation, where the king could not, if he found it necessary, either prorogue or dissolve those assemblies. That if the present Parliament, by making great concessions, could gain the king's confidence, and engage him to observe the promises now given them, every thing would by gentle methods succeed to their wishes. That if, on the contrary, after such instances of compliance, he formed any designs on the liberty and religion of the nation, he would, in the eyes of all man-

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kind, render himself altogether inexcusable, and the whole people would join in opposition to him. That resistance could scarcely be attempted twice; and there was therefore the greater necessity for waiting till time and incidents had fully prepared the nation for it. That the king's prejudices in favour of popery, though in the main pernicious, were yet so far fortunate, that they rendered the connexion inseparable between the national religion and national liberty: and that, if any illegal attempts were afterwards made, the church, which was at present the chief support of the crown, would surely catch the alarm, and would soon dispose the people to an effectual resistance.

These last reasons, enforced by the prejudices of party, prevailed in Parliament; and the Commons, besides giving thanks for the king's speech, voted unanimously, that they would settle on his present majesty, during life, all the revenue enjoyed by the late king at the time of his demise. That they might not detract from this generosity by any symptoms of distrust, they also voted unanimously, that the House entirely relied on his majesty's royal word and repeated declarations to support the religion of the church of England; but they added, that that religion was dearer to them than their lives. The speaker, in presenting the revenue bill, took care to inform the king of their vote with regard to religion; but could not, by so signal a proof of confidence, extort from him one word in favour of that religion, on which, he told his majesty, they set so high a value. Notwithstanding the grounds of suspicion which this silence afforded, the House continued in the same liberal disposition. The king having demanded a farther supply for the navy and other purposes, they revived those duties on wines and vinegar, which had once been enjoyed by the late king; and they added some impositions on tobacco and sugar. This grant amounted on the whole to about six hundred thousand pounds a year.

The House of Lords were in a humour no less compliant. They even went some lengths towards breaking in pieces all the remains of the popish plot, that once formidable engine of bigotry and faction.

A little before the meeting of Parliament, Oates had

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Oates convicted of perjury.

been tried for perjury on two indictments: one for deposing that he was present at a consult of Jesuits in London, the twenty-fourth of April, 1679; another for deposing that Father Ireland was in London between the eighth and twelfth of August, and in the beginning of September in the same year. Never criminal was convicted on fuller and more undoubted evidence. Two-and-twenty persons, who had been students at St. Omer's, most of them men of credit and family, gave evidence, that Oates had entered into that seminary about Christmas in the year 1678, and had never been absent but one night till the month of July following. Forty-seven witnesses, persons also of untainted character, deposed that Father Ireland, on the third of August, 1679, had gone to Staffordshire, where he resided till the middle of September; and, what some years before would have been regarded as a very material circumstance, nine of these witnesses were Protestants of the church of England. Oates's sentence was, to be fined a thousand marks on each indictment, to be whipped, on two different days, from Aldgate to Newgate, and from Newgate to Tyburn, to be imprisoned during life, and to be pilloried five times every year. The impudence of the man supported itself under the conviction, and his courage under the punishment. He made solemn appeals to Heaven, and protestations of the veracity of his testimony. Though the whipping was so cruel that it was evidently the intention of the court to put him to death by that punishment, he was enabled, by the care of his friends, to recover; and he lived to King William's reign, when a pension of four hundred pounds a year was settled on him. A considerable number still adhered to him in his distresses, and regarded him as the martyr of the Protestant cause. The populace were affected with the sight of a punishment, more severe than is commonly inflicted in England; and the sentence of perpetual imprisonment was deemed illegal.

The conviction of Oates's perjury was taken notice of by the House of Peers. Besides freeing the popish lords, Powis, Arundel, Bellasis, and Tyrone, together with Danby, from the former impeachment by the Commons, they went so far as to vote a reversal of Stafford's at-

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tainder, on account of the falsehood of that evidence on which he had been condemned. This bill fixed so deep a reproach on the former proceedings of the exclusionists, that it met with great opposition among the Lords; and it was at last, after one reading, dropped by the Commons. Though the reparation of injustice be the second honour which a nation can attain, the present emergence seemed very improper for granting so full a justification to the Catholics, and throwing so foul a stain on the Protestants.

Monmouth's invasion.

The course of parliamentary proceedings was interrupted by the news of Monmouth's arrival in the west with three ships from Holland. No sooner was this intelligence conveyed to the Parliament, than they voted that they would adhere to his majesty with their lives and fortunes. They passed a bill of attainder against Monmouth; and they granted a supply of four hundred thousand pounds for suppressing his rebellion. Having thus strengthened the hands of the king, they adjourned themselves.

Monmouth, when ordered to depart the kingdom, during the late reign, had retired to Holland; and as it was well known that he still enjoyed the favour of his indulgent father, all marks of honour and distinction were bestowed upon him by the Prince of Orange. After the accession of James, the prince thought it necessary to dismiss Monmouth and all his followers; and that illustrious fugitive retired to Brussels. Finding himself still pursued by the king's severity, he was pushed, contrary to his judgment as well as inclination, to make a rash and premature attack upon England. He saw that James had lately mounted the throne, not only without opposition, but seemingly with the good-will and affections of his subjects. A Parliament was sitting, which discovered the greatest disposition to comply with the king, and whose adherence, he knew, would give a sanction and authority to all public measures. The grievances of this reign were hitherto of small importance; and the people were not as yet in a disposition to remark them with great severity. All these considerations occurred to Monmouth; but such was the impatience of his followers, and such the precipitate humour of Argyle, who set out

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for Scotland a little before him, that no reasons could be attended to; and this unhappy man was driven upon his fate.

11th June.

The imprudence, however, of this enterprise did not at first appear. Though, on his landing at Lime, in Dorsetshire, he had scarcely a hundred followers, so popular was his name, that in four days he had assembled above two thousand horse and foot. They were, indeed, almost all of them, the lowest of the people; and the declaration which he published was chiefly calculated to suit the prejudices of the vulgar, or the most bigoted of the whig party. He called the king Duke of York; and denominated him a traitor, a tyrant, an assassin, and a popish usurper: he imputed to him the fire of London, the murder of Godfrey and of Essex, nay the poisoning of the late king; and he invited all the people to join in opposition to his tyranny.

The Duke of Albemarle, son to him who had restored the royal family, assembled the militia of Devonshire to the number of four thousand men, and took post at Axminster, in order to oppose the rebels; but observing that his troops bore a great affection to Monmouth, he thought proper to retire. Monmouth, though he had formerly given many proofs of personal courage, had not the vigour of mind requisite for an undertaking of this nature. From an ill-grounded diffidence of his men, he neglected to attack Albemarle; an easy enterprise, by which he might both have acquired credit, and have supplied himself with arms. Lord Gray, who commanded his horse, discovered himself to be a notorious coward; yet such was the softness of Monmouth's nature, that Gray was still continued in his command. Fletcher of Saltoun, a Scotchman, a man of signal probity and fine genius, had been engaged by his republican principles in this enterprise, and commanded the cavalry together with Gray: but being insulted by one who had newly joined the army, and whose horse he had in a hurry made use of, he was prompted by passion, to which he was much subject, to discharge a pistol at the man; and he killed him on the spot. This incident obliged him immediately to leave the camp; and the loss of so gallant an officer was a great prejudice to Monmouth's enterprise.

The next station of the rebels was Taunton, a disaffected town, which gladly, and even fondly, received them, and reinforced them with considerable numbers. Twenty young maids of some rank presented Monmouth with a pair of colours of their handywork, together with a copy of the Bible. Monmouth was here persuaded to take upon him the title of king, and assert the legitimacy of his birth; a claim which he advanced in his first declaration, but whose discussion he was determined, he then said, during some time to postpone. His numbers had now increased to six thousand; and he was obliged every day, for want of arms, to dismiss a great many who crowded to his standard. He entered Bridgewater, Wells, Frome, and was proclaimed in all these places; but forgetting that such desperate enterprises can only be rendered successful by the most adventurous courage, he allowed the expectations of the people to languish, without attempting any considerable undertaking.

While Monmouth, by his imprudent and misplaced caution, was thus wasting time in the west, the king employed himself in making preparations to oppose him. Six regiments of British troops were called over from Holland: the army was considerably augmented: and regular forces, to the number of three thousand men, were despatched under the command of Feversham and Churchill, in order to check the progress of the rebels.

5th July, Monmouth defeated,

Monmouth, observing that no considerable men joined him, finding that an insurrection, which was projected in the city, had not taken place, and hearing that Argyle, his confederate, was already defeated and taken, sunk into such despondency, that he had once resolved to withdraw himself, and leave his unhappy followers to their fate. His followers expressed more courage than their leader, and seemed determined to adhere to him in every fortune. The negligent disposition made by Feversham, invited Monmouth to attack the king's army at Sedgemoor, near Bridgewater; and his men, in this action, showed what a native courage and a principle of duty, even when unassisted by discipline, is able to perform. They threw the veteran forces into disorder; drove them from their ground; continued the fight till their ammunition failed them; and would at last have obtained a victory, had not the misconduct of Monmouth and the cowardice of Gray prevented it. After a combat of three hours the rebels gave way, and were followed with great slaughter. About one thousand five hundred fell in the battle and pursuit. And thus was concluded, in a few weeks, this enterprise, rashly undertaken, and feebly conducted.

Monmouth fled from the field of battle above twenty miles, till his horse sunk under him. He then changed clothes with a peasant in order to conceal himself. The peasant was discovered by the pursuers, who now redoubled the diligence of their search. At last, the unhappy Monmouth was found lying in the bottom of a ditch, and covered with fern: his body depressed with fatigue and hunger; his mind, by the memory of past misfortunes, by the prospect of future disasters. Human nature is unequal to such calamitous situations; much more the temper of a man, softened by early prosperity, and accustomed to value himself solely on military bravery. He burst into tears when seized by his enemies; and he seemed still to indulge the fond hope and desire of life. Though he might have known, from the greatness of his own offences, and the severity of James's temper, that no mercy could be expected, he wrote him the most submissive letters, and conjured him to spare the issue of a brother who had ever been so strongly attached to his interest. James, finding such symptoms of depression and despondency in the unhappy prisoner, admitted him to his presence, in hopes of extorting a discovery of his accomplices; but Monmouth would not purchase life, however loved, at the price of so much infamy. Finding all efforts vain, he assumed courage from despair, and prepared himself for death with a spirit better suited to his rank and character. This favourite of the people was attended to the scaffold with a plentiful effusion of tears. He warned the executioner not to fall into the error which he had committed in beheading Russel, where it had been necessary to repeat the blow. This precaution served only to dismay the executioner. He struck a feeble blow on Monmouth, who raised his head from the block, and looked him in the face, as if reproaching him for his failure. He gently

and executed, 15th July.

laid down his head a second time; and the executioner struck him again and again to no purpose. He then threw aside the axe, and cried out that he was incapable of finishing the bloody office. The sheriff obliged him to renew the attempt; and at two blows more the head was severed from the body.

Thus perished, in the thirty-sixth year of his age, a nobleman, who, in less turbulent times, was well qualified to be an ornament of the court, even to be serviceable to his country. The favour of his prince, the caresses of faction, and the allurements of popularity, seduced him into enterprises which exceeded his capacity. The good-will of the people still followed him in every fortune. Even after his execution, their fond credulity flattered them with hopes of seeing him once more at their head. They believed that the person executed was not Monmouth, but one who, having the fortune to resemble him nearly, was willing to give this proof of his extreme attachment, and to suffer death in his stead.

This victory, obtained by the king in the commencement of his reign, would naturally, had it been managed with prudence, have tended much to increase his power and authority. But by reason of the cruelty with which it was prosecuted, and of the temerity with which it afterwards inspired him, it was a principal cause of his sudden ruin and downfall.

Such arbitrary principles had the court instilled into all its servants, that Feversham, immediately after the victory, hanged above twenty prisoners; and was proceeding in his executions, when the Bishop of Bath and Wells warned him, that these unhappy men were now by law entitled to a trial, and that their execution would be deemed a real murder. This remonstrance, however, did not stop the savage nature of Colonel Kirke, a soldier of fortune, who had long served at Tangiers, and had contracted, from his intercourse with the Moors, an inhumanity less known in European and in free countries.

Cruelty of Colonel Kirke.

At his first entry into Bridgewater, he hanged nineteen prisoners, without the least inquiry into the merits of their cause. As if to make sport with death, he ordered a certain number to be executed while he and his company should drink the king's health, or the queen's, or that of Chief-justice Jefferies. Observing their feet to quiver in the agonies of death, he cried, that he would give them music to their dancing, and he immediately commanded the drums to beat and the trumpets to sound. By way of experiment, he ordered one man to be hung up three times, questioning him at each interval, whether he repented of his crime; but the man obstinately asserting, that, notwithstanding the past, he still would willingly engage in the same cause, Kirke ordered him to be hung in chains. One story, commonly told of him, is memorable for the treachery, as well as barbarity, which attended it. A young maid pleaded for the life of her brother, and flung herself at Kirke's feet, armed with all the charms which beauty and innocence, bathed in tears, could bestow upon her. The tyrant was inflamed with desire, not softened into love or clemency. He promised to grant her request, provided that she, in her turn, would be equally compliant to him. The maid yielded to the conditions; but, after she had passed the night with him, the wanton savage the next morning showed her, from the window, her brother, the darling object for whom she had sacrificed her virtue, hanging on a gibbet, which he had secretly ordered to be there erected for the execution. Rage, and despair, and indignation took possession of her mind, and deprived her for ever of her senses. All the inhabitants of that country, innocent as well as guilty, were exposed to the ravages of this barbarian. The soldiery were let loose to live at free quarters; and his own regiment, instructed by his example, and encouraged by his exhortations, distinguished themselves in a particular manner by their outrages. By way of pleasantry he used to call them *his lambs;* an appellation which was long remembered with horror in the west of England.

The violent Jefferies succeeded after some interval; and showed the people, that the rigours of law might equal, if not exceed, the ravages of military tyranny. This man, who wantoned in cruelty, had already given a specimen of his character in many trials where he presided; and he now set out with a savage joy, as to a full harvest of death and destruction. He began at Dorchester; and thirty rebels being arraigned, he exhorted them, but in vain, to save him, by their free confession, the trouble of trying them: and when twenty-nine were found guilty, he ordered them, as an additional punishment of their disobedience, to be led to immediate execution. Most of the other prisoners, terrified with this example, pleaded guilty; and no less than two hundred and ninety-two received sentence at Dorchester. Of these, eighty were executed. Exeter was the next stage of his cruelty: two hundred and forty-three were there tried, of whom a great number were condemned and executed. He also opened his commission at Taunton and Wells; and every where carried consternation along with him. The juries were so struck with his menaces, that they gave their verdict with precipitation: and many innocent persons, it is said, were involved with the guilty: and on the whole, besides those who were butchered by the military commanders, two hundred and fifty-one are computed to have fallen by the hand of justice. The whole country was strewed with the heads and limbs of traitors; every village almost beheld the dead carcass of a wretched inhabitant; and all the rigours of justice, unabated by any appearance of clemency, were fully displayed to the people by the inhuman Jefferies.

Of all the executions, during this dismal period, the most remarkable were those of Mrs. Gaunt and Lady Lisle, who had been accused of harbouring traitors. Mrs. Gaunt was an Anabaptist, noted for her beneficence, which she extended to persons of all professions and persuasions. One of the rebels, knowing her humane disposition, had recourse to her in his distress, and was concealed by her. Hearing of the proclamation, which offered an indemnity and rewards to such as discovered criminals, he betrayed his benefactress, and bore evidence against her. He received a pardon as a recompense for his treachery; she was burned alive for her charity.

Lady Lisle was widow of one of the regicides who had enjoyed great favour and authority under Cromwell, and who having fled, after the restoration, to Lauzanne in Swisserland, was there assassinated by three Irish ruffians, who hoped to make their fortune by this piece of service. His widow was now prosecuted for harbouring two rebels the day after the battle of Sedgemoor; and Jefferies pushed on the trial with an unrelenting violence. In vain did the aged prisoner plead, that these criminals had been put into no proclamation; had been convicted by no verdict; nor could any man be denominated a traitor, till the sentence of some legal court was passed upon him: that it appeared not by any proof, that she was so much as acquainted with the guilt of the persons, or had heard of their joining the rebellion of Monmouth: that though she might be obnoxious on account of her family, it was well known that her heart was ever loyal, and that no person in England had shed more tears for that tragical event, in which her husband had unfortunately borne too great a share: and that the same principles, which she herself had ever embraced, she had carefully instilled into her son, and had, at that very time, sent him to fight against those rebels whom she was now accused of harbouring. Though these arguments did not move Jefferies, they had influence on the jury. Twice they seemed inclined to bring in a favourable verdict: they were as often sent back with menaces and reproaches; and at last were constrained to give sentence against the prisoner. Notwithstanding all applications for pardon, the cruel sentence was executed. The king said, that he had given Jefferies a promise not to pardon her: an excuse which could serve only to aggravate the blame against himself.

It might have been hoped, that by all these bloody executions, a rebellion, so precipitate, so ill supported, and of such short duration, would have been sufficiently expiated; but nothing could satiate the spirit of rigour which possessed the administration. Even those multitudes, who received pardon, were obliged to atone for their guilt by fines, which reduced them to beggary; or, where their former poverty made them incapable of paying, they were condemned to cruel whippings or severe imprisonments. Nor could the innocent escape the hands, no less rapacious than cruel, of the chief-justice. Prideaux, a gentleman of Devonshire, being thrown into prison, and dreading the severe and arbitrary spirit which at that time met with no control, was obliged to buy his liberty of Jefferies at the price of fifteen thousand pounds, though he could never so much as learn the crime of which he was accused.

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Goodenough, the seditious under-sheriff of London, who had been engaged in the most bloody and desperate part of the Rye-house conspiracy, was taken prisoner after the battle of Sedgemoor, and resolved to save his own life by an accusation of Cornish, the sheriff, whom he knew to be extremely obnoxious to the court. Colonel Rumsey joined him in the accusation; and the prosecution was so hastened, that the prisoner was tried, condemned, and executed in the space of a week. The perjury of the witnesses appeared immediately after; and the king seemed to regret the execution of Cornish. He granted his estate to his family, and condemned the witnesses to perpetual imprisonment.

The injustice of this sentence against Cornish was not wanted to disgust the nation with the court: the continued rigour of the other executions had already impressed an universal hatred against the ministers of justice, attended with compassion for the unhappy sufferers, who, as they had been seduced into this crime by mistaken principles, bore their punishment with the spirit and zeal of martyrs. The people might have been willing on this occasion to distinguish between the king and his ministers, but care was taken to prove, that the latter had done nothing but what was agreeable to their master. Jefferies, on his return, was immediately, for those eminent services, created a peer; and was soon after vested with the dignity of chancellor. It is pretended, however, with some appearance of authority, that the king was displeased with these cruelties, and put a stop to them by orders, as soon as proper information of them was conveyed to him[b].

State of affairs in Scotland.

We must now take a view of the state of affairs in Scotland, where the fate of Argyle had been decided before that of Monmouth. Immediately after the king's accession, a Parliament had been summoned at Edinburgh; and all affairs were there conducted by the Duke of Queensberry, the commissioner, and the Earl of Perth, chancellor. The former had resolved to make an entire surrender of the liberties of his country, but was determined still to adhere to its religion; the latter entertained no scruple of paying court even by the sacrifice of both.

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[b] Life of Lord-keeper North, p. 260. King James's Memoirs, p. 144.

But no courtier, even the most prostitute, could go farther than the Parliament itself towards a resignation of their liberties. In a vote which they called an offer of duty, after adopting the fabulous history of a hundred and eleven Scottish monarchs, they acknowledged that all these princes, by the primary and fundamental law of the state, had been vested with a *solid* and *absolute* authority. They declared their abhorrence of all principles and positions, derogatory to the king's sacred, supreme, sovereign, absolute power, of which none, they said, whether single persons, or collective bodies, can participate, but in dependence on him, and by commission from him; they promised that the whole nation, between sixteen and sixty, shall be in readiness for his majesty's service, where and as oft as it shall be his royal pleasure to require them; and they annexed the whole excise, both of inland and foreign commodities, for ever to the crown.

All the other acts of this assembly savoured of the same spirit. They declared it treason for any person to refuse the test, if tendered by the council. To defend the obligation of the covenant, subjected a person to the same penalty. To be present at any conventicle, was made punishable with death and confiscation of moveables. Even such as refused to give testimony either in cases of treason or nonconformity, were declared equally punishable as if guilty of those very crimes: an excellent prelude to all the rigours of an inquisition. It must be confessed, that nothing could equal the abject servility of the Scottish nation during this period, but the arbitrary severity of the administration.

Argyle's invasion,

It was in vain that Argyle summoned a people, so lost to all sense of liberty, so degraded by repeated indignities, to rise in vindication of their violated laws and privileges. Even those who declared for him were, for the greater part, his own vassals; men who, if possible, were still more sunk in slavery than the rest of the nation. He arrived, after a prosperous voyage, in Argyleshire, attended by some fugitives from Holland; among the rest, by Sir Patrick Hume, a man of mild dispositions, who had been driven to this extremity by a continued train of oppression. The privy council was beforehand apprised of Argyle's intentions. The whole militia of the kingdom, to the number of twenty-two thousand men, were already in arms; and a third part of them, with the regular forces, were on their march to oppose him. All the considerable gentry of his clan were thrown into prison; and two ships of war were on the coast to watch his motions. Under all these discouragements, he yet made a shift, partly from terror, partly from affection, to collect and arm a body of about two thousand five hundred men; but soon found himself surrounded on all sides with insuperable difficulties. His arms and ammunition were seized; his provisions cut off: the Marquis of Athole pressed him on one side; Lord Charles Murray on another: the Duke of Gordon hung upon his rear; the Earl of Dunbarton met him in front. His followers daily fell off from him; but Argyle, resolute to persevere, broke at last with the shattered remains of his troops into the disaffected part of the low countries, which he had endeavoured to allure to him by declarations for the covenant. No one showed either courage or inclination to join him; and his small and still decreasing army, after wandering about for a little time, was at last defeated and dissipated without an enemy. Argyle himself was seized and carried to Edinburgh; where, after enduring many indignities with a gallant spirit, he was publicly executed. He suffered on the former unjust sentence which had been passed upon him. The rest of his followers either escaped or were punished by transportation: Rumbold and Ayloffe, two Englishmen who had attended Argyle on this expedition, were executed.

defeat,

and execution.

9th Nov.
A Parliament.

The king was so elated with this continued tide of prosperity, that he began to undervalue even an English Parliament, at all times formidable to his family; and from his speech to that assembly, which he had assembled early in the winter, he seems to have thought himself exempted from all rules of prudence, or necessity of dissimulation. He plainly told the two Houses, that the militia, which had formerly been so much magnified, was now found, by experience in the last rebellion, to be altogether useless; and he required a new supply, in order to maintain those additional forces which he had levied. He also took notice, that he had employed a great many Catholic officers, and that he had, in their favour, dispensed with the law requiring the test to be taken by every one that possessed any public office. And to cut short all opposition, he declared, that, having reaped the benefit of their service during such times of danger, he was determined neither to expose them afterwards to disgrace, nor himself, in case of another rebellion, to the want of their assistance.

Such violent aversion did this Parliament bear to opposition, so great dread had been instilled of the consequences attending any breach with the king, that it is probable, had he used his dispensing power without declaring it, no inquiries would have been made, and time might have reconciled the nation to this dangerous exercise of prerogative. But to invade at once their constitution, to threaten their religion, to establish a standing army, and even to require them, by their concurrence, to contribute towards all these measures, exceeded the bounds of their patience; and they began, for the first time, to display some small remains of English spirit and generosity. When the king's speech was taken into consideration by the Commons, many severe reflections were thrown out against the present measures; and the House was with seeming difficulty engaged to promise, in a general vote, that they would grant some supply. But instead of finishing that business, which could alone render them acceptable to the king, they proceeded to examine the dispensing power; and they voted an address to the king against it. Before this address was presented, they resumed the consideration of the supply; and as one million two hundred thousand pounds were demanded by the court, and two hundred thousand proposed by the country party, a middle course was chosen; and seven hundred thousand, after some dispute, were at last voted. The address against the dispensing power was expressed in most respectful and submissive terms; yet it was very ill received by the king, and his answer contained a flat denial, uttered with great warmth and vehemence. The Commons were so daunted with this reply, that they kept silence a long time; and when Coke, member for Derby, rose up and said, "I hope we are all Englishmen, and not to be frightened with a few hard words," so little spirit appeared in that assembly, often so refractory and mutinous, that they sent him to the Tower for bluntly expressing a free and generous sentiment. They adjourned, without fixing a day for the consideration of his majesty's answer; and on their next meeting they submissively proceeded to the consideration of the supply, and even went so far as to establish funds for paying the sum voted, in nine years and a half. The king, therefore, had in effect, almost without contest or violence, obtained a complete victory over the Commons; and that assembly, instead of guarding their liberties, now exposed to manifest peril, conferred an additional revenue on the crown; and by rendering the king in some degree independent, contributed to increase those dangers with which they had so much reason to be alarmed.

The next opposition came from the House of Peers, which has not commonly taken the lead on these occasions; and even from the bench of bishops, where the court usually expects the greatest complaisance and submission. The Upper House had been brought, in the first days of the session, to give general thanks for the king's speech; by which compliment they were understood, according to the practice of that time, to have acquiesced in every part of it; yet, notwithstanding that step, Compton, Bishop of London, in his own name and that of his brethren, moved that a day should be appointed for taking the speech into consideration: he was seconded by Halifax, Nottingham, and Mordaunt. Jefferies, the chancellor, opposed the motion; and seemed inclined to use in that House the same arrogance to which on the bench he had so long been accustomed. But he was soon taught to know his place; and he proved, by his behaviour, that insolence, when checked, naturally sinks into meanness and cowardice. The Bishop of London's motion prevailed.

The king might reasonably have presumed, that even if the Peers should so far resume courage as to make an application against his dispensing power, the same steady answer which he had given to the Commons would make them relapse into the same timidity; and he might by that means have obtained a considerable supply, without making any concessions in return. But so imperious was his temper, so lofty the idea which he

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had entertained of his own authority, and so violent the schemes suggested by his own bigotry and that of his priests, that, without any delay, without waiting for any farther provocation, he immediately proceeded to a prorogation. He continued the Parliament during a year and a half by four more prorogations; but having in vain tried, by separate applications, to break the obstinacy of the leading members, he at last dissolved that assembly: and as it was plainly impossible for him to find among his Protestant subjects a set of men more devoted to royal authority, it was universally concluded that he intended thenceforth to govern entirely without Parliaments.

Never king mounted the throne of England with greater advantages than James; nay, possessed greater facility, if that were any advantage, of rendering himself and his posterity absolute: but all these fortunate circumstances tended only, by his own misconduct, to bring more sudden ruin upon him. The nation seemed disposed of themselves to resign their liberties, had he not, at the same time, made an attempt upon their religion; and he might even have succeeded in surmounting at once their liberties and religion, had he conducted his schemes with common prudence and discretion. Openly to declare to the Parliament, so early in his reign, his intention to dispense with the tests, struck an universal alarm throughout the nation; infused terror into the church, which had hitherto been the chief support of monarchy; and even disgusted the army, by whose means alone he could now purpose to govern. The former horror against popery was revived by polemical books and sermons: and in every dispute the victory seemed to be gained by the Protestant divines, who were heard with more favourable ears, and who managed the controversy with more learning and eloquence. But another incident happened at this time, which tended mightily to excite the animosity of the nation against the Catholic communion.

Lewis XIV. having long harassed and molested the Protestants, at last revoked entirely the edict of Nantz; which had been enacted by Henry IV. for securing them the free exercise of their religion, which had been

1685. declared irrevocable; and which, during the experience of near a century, had been attended with no sensible inconvenience. All the iniquities inseparable from persecution were exercised against those unhappy religionists; who became obstinate in proportion to the oppressions which they suffered, and either covered under a feigned conversion a more violent abhorrence of the Catholic communion, or sought among foreign nations for that liberty of which they were bereaved in their native country. Above half a million of the most useful and industrious subjects deserted France, and exported, together with immense sums of money, those arts and manufactures which had chiefly tended to enrich that kingdom. They propagated every where the most tragical accounts of the tyranny exercised against them, and revived among the Protestants all that resentment against the bloody and persecuting spirit of popery, to which so many incidents in all ages had given too much foundation. Near fifty thousand refugees passed over into England; and all men were disposed, from their representations, to entertain the utmost horror against the projects which they apprehended to be formed by the king for the abolition of the Protestant religion. When a prince of so much humanity, and of such signal prudence, as Lewis, could be engaged, by the bigotry of his religion alone, without any provocation, to embrace such sanguinary and impolitic measures, what might not be dreaded, they asked, from James, who was so much inferior in these virtues, and who had already been irritated by such obstinate and violent opposition? In vain did the king affect to throw the highest blame on the persecutions in France; in vain did he afford the most real protection and assistance to the distressed Hugonots: all these symptoms of toleration were regarded as insidious, opposite to the avowed principles of his sect, and belied by the severe administration which he himself had exercised against the nonconformists in Scotland.

The smallest approach towards the introduction of
1686. popery must, in the present disposition of the people, have afforded reason of jealousy; much more so wide a

step as that of dispensing with the tests, the sole security which the nation, being disappointed of the exclusion bill, found provided against those dreaded innovations. Yet was the king resolute to persevere in his purpose; and having failed in bringing over the Parliament, he made an attempt, with more success, for establishing his dispensing power, by a verdict of the judges. Sir Edward Hales, a new proselyte, had accepted a commission of colonel; and directions were given to his coachman to prosecute him for the penalty of five hundred pounds, which the law, establishing the tests, had granted to informers. By this feigned action, the king hoped, both from the authority of the decision, and the reason of the thing, to put an end to all questions with regard to his dispensing power.

Dispensing power.

It could not be expected that the lawyers appointed to plead against Hales would exert great force on that occasion: but the cause was regarded with such anxiety by the public, that it has been thoroughly canvassed in several elaborate discourses[c]; and could men divest themselves of prejudice, there want not sufficient materials on which to form a true judgment. The claim and exercise of the dispensing power is allowed to be very ancient in England; and though it seems at first to have been copied from papal usurpations, it may plainly be traced up as high as the reign of Henry III. In the feudal governments, men were more anxious to secure their private property than to share in the public administration; and provided no innovations were attempted on their rights and possessions, the care of executing the laws, and ensuring general safety, was without jealousy entrusted to the sovereign. Penal statutes were commonly intended to arm the prince with more authority for that purpose; and being in the main calculated for promoting his influence as first magistrate, there seemed no danger in allowing him to dispense with their execution in such particular cases as might require an exception or indulgence. That practice had so much prevailed, that the Parliament itself had more than once acknowledged this prerogative of the crown; particularly during the reign of Henry V., when they enacted the law against aliens[d], and also when they passed the statute of provisors[e]. But though the general tenor of the penal statutes was such as gave the king a superior interest in their execution beyond any of his subjects, it could not but sometimes happen, in a mixed government, that the Parliament would desire to enact laws, by which the regal power, in some particulars, even where private property was not immediately concerned, might be regulated and restrained. In the twenty-third of Henry VI. a law of this kind was enacted, prohibiting any man from serving in a county as sheriff above a year; and a clause was inserted, by which the king was disabled from granting a dispensation. Plain reason might have taught, that this law, at least, should be exempted from the king's prerogative: but as the dispensing power still prevailed in other cases, it was soon able, aided by the servility of the courts of judicature, even to overpower this statute, which the legislature had evidently intended to secure against violation. In the reign of Henry VII. the case was brought to a trial before all the judges in the exchequer-chamber; and it was decreed that, notwithstanding the strict clause above mentioned, the king might dispense with the statute: he could first, it was alleged, dispense with the prohibitory clause, and then with the statute itself. This opinion of the judges, though seemingly absurd, had ever since passed for undoubted law: the practice of continuing the sheriffs had prevailed: and most of the property in England had been fixed by decisions which juries, returned by such sheriffs, had given in the courts of judicature. Many other dispensations of a like nature may be produced: not only such as took place by intervals, but such as were uniformly continued. Thus the law was dispensed with, which prohibited any man from going a judge of assize into his own county; that which rendered all Welshmen incapable of bearing offices in Wales; and that which required every one who received a pardon for felony to find sureties for his good behaviour. In the second of James I. a new consultation of all the judges had been held upon a like question: this prerogative of the crown was again unanimously affirmed[f]: and it became an established principle in English jurisprudence, that though the king could not allow of what was morally unlawful, he could permit what was only prohibited by positive statute. Even the jealous House of Commons, who extorted the petition of right from Charles I., made no scruple, by the mouth of Glanville, their manager, to allow of the dispensing power in its full extent[g]; and in the famous trial of ship-money, Holborne, the popular lawyer, had freely, and in the most explicit terms, made the same concession[h]. Sir Edward Coke, the great oracle of English law, had not only concurred with all other lawyers in favour of this prerogative, but seems even to believe it so inherent in the crown, that an act of Parliament itself could not abolish it[i]: and he particularly observes, that no law can impose such a disability of enjoying offices as the king may not dispense with; because the king, from the law of nature, has a right to the service of all his subjects. This particular reason, as well as all the general principles, is applicable to the question of the tests; nor can the dangerous consequence of granting dispensations in that case be ever allowed to be pleaded before a court of judicature. Every prerogative of the crown, it may be said, admits of abuse: should the king pardon all criminals, law must be totally dissolved: should he declare and continue perpetual war against all nations, inevitable ruin must ensue: yet these powers are entrusted to the sovereign, and we must be content, as our ancestors were, to depend upon his prudence and discretion in the exercise of them.

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[c] Particularly Sir Edward Herbert's Defence in the State Trials, and Sir Robert Atkins's Inquiry concerning the Dispensing Power.

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[d] Rot. Parl. 1 Hen. V. n. 15.

[e] Ibid. 1 Hen. V. n. 22. It is remarkable, however, that in the reign of Richard the Second, the Parliament granted the king only a temporary power of dispensing with the statute of provisors. Rot. Parl. 15 Rich. II. n. 1. A plain implication that he had not, of himself, such a prerogative. So uncertain were many of these points at that time.

Though this reasoning seems founded on such principles as are usually admitted by lawyers, the people had entertained such violent prepossessions against the use which James here made of his prerogative, that he was obliged, before he brought on Hales's cause, to displace

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[f] Sir Edward Coke's Reports, seventh Report.

[g] State Trials, vol. ii. first edit. p. 205. Parl. Hist. vol. viii. p. 132.

[h] State Trials, vol. v. first edit. p. 171.

[i] Sir Edward Coke's Reports, twelfth Report, p. 18.

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four of the judges, Jones, Montague, Charleton, and Nevil; and even Sir Edward Herbert, the chief-justice, though a man of acknowledged virtue, yet, because he here supported the pretensions of the crown, was exposed to great and general reproach. Men deemed a dispensing to be in effect the same with a repealing power; and they could not conceive that less authority was necessary to repeal than to enact any statute. If one penal law was dispensed with, any other might undergo the same fate; and by what principle could even the laws which define property be afterwards secured from violation? The test act had ever been conceived the great barrier of the established religion under a popish successor: as such, it had been insisted on by the Parliament; as such, granted by the king; as such, during the debates with regard to the exclusion, recommended by the chancellor. By what magic, what chicane of law, is it now annihilated, and rendered of no validity? These questions were every where asked; and men, straitened by precedents, and decisions of great authority, were reduced either to question the antiquity of this prerogative itself, or to assert that even the practice of near five centuries could not bestow on it sufficient authority[k]. It was not considered that the present difficulty or seeming absurdity had proceeded from late innovations introduced into the government. Ever since the beginning of this century, the Parliament had, with a laudable zeal, been acquiring powers and establishing principles favourable to law and liberty: the authority of the crown had been limited in many important particulars: and penal statutes were often calculated to secure the constitution against the attempts of ministers, as well as to preserve a general peace, and repress crimes and immoralities. A prerogative, however, derived from very ancient and almost uniform practice, the dispensing power, still remained, or was supposed to remain, with the crown; sufficient in an instant to overturn this whole fabric, and to throw down all fences of the constitution. If this prerogative, which carries on the face of it such strong symptoms of an absolute authority in the prince, had yet, in ancient times, subsisted with some degree of liberty in the subject; this fact only

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[k] Sir Robert Atkins, p. 21.

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proves, that scarcely any human government, much less one erected in rude and barbarous times, is entirely consistent and uniform in all its parts. But to expect that the dispensing power could, in any degree, be rendered compatible with those accurate and regular limitations which had of late been established, and which the people were determined to maintain, was a vain hope; and though men knew not upon what principles they could deny that prerogative, they saw that, if they would preserve their laws and constitution, there was an absolute necessity for denying, at least for abolishing it. The revolution alone, which soon succeeded, happily put an end to all these disputes: by means of it, a more uniform edifice was at last erected: the monstrous inconsistence, so visible between the ancient Gothic parts of the fabric and the recent plans of liberty, was fully corrected: and to their mutual felicity, king and people were finally taught to know their proper boundaries[1].

Whatever topics lawyers might find to defend James's dispensing power, the nation thought it dangerous, if not fatal to liberty; and his resolution of exercising it may on that account be esteemed no less alarming, than if the power had been founded on the most recent and most flagrant usurpation. It was not likely that an authority, which had been assumed through so many obstacles, would in his hands lie long idle and unemployed. Four Catholic lords were brought into the privy council, Powis, Arundel, Bellasis, and Dover. Halifax, finding that, notwithstanding his past merits, he possessed no real credit or authority, became refractory in his opposition; and his office of privy seal was given to Arundel. The king was open as well as zealous, in the desire of making converts; and men plainly saw, that the only way to acquire his affection and confidence was by a sacrifice of their religion. Sunderland, some time after, scrupled not to gain favour at this price. Rochester, the treasurer, though the king's brother-in-law, yet, because he refused to give this instance of complaisance, was turned out of his office. The treasury was put in commission, and Bellasis was placed at the head of it. All the courtiers were disgusted, even such as had little regard to religion. The dishonour, as well as distrust, attending renegades, made most men resolve, at all hazards, to adhere to their ancient faith.

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[1] It is remarkable that the convention, summoned by the Prince of Orange, did not, even when they had the making of their own terms in the *declaration of rights*, venture to condemn the dispensing power in general, which had been uniformly exercised by the former kings of England. They only condemned it so far *as it had been assumed and exercised of late*, without being able to tell wherein the difference lay. But in the *bill of rights*, which passed about a twelvemonth after, the Parliament took care to secure themselves more effectually against a branch of prerogative incompatible with all legal liberty and limitations; and they excluded, in positive terms, all dispensing power in the crown. Yet even then the House of Lords rejected that clause of the bill, which condemned the exercise of this power in former kings, and obliged the Commons to rest content with abolishing it for the future. There needs no other proof of the irregular nature of the old English government, than the existence of such a prerogative, always exercised and never questioned, till the acquisition of real liberty discovered, at last, the danger of it. See the Journals.

State of Scotland.

In Scotland, James's zeal for proselytism was more successful. The Earls of Murray, Perth, and Melfort, were brought over to the court religion, and the two latter noblemen made use of a very courtly reason for their conversion: they pretended, that the papers found in the late king's cabinet had opened their eyes, and had convinced them of the preference due to the Catholic religion. Queensberry, who showed not the same compliance, fell into total disgrace, notwithstanding his former services, and the important sacrifices which he had made to the measures of the court. These merits could not even ensure him of safety against the vengeance to which he stood exposed. His rival, Perth, who had been ready to sink under his superior interest, now acquired the ascendant; and all the complaints exhibited against him were totally obliterated. His faith, according to a saying of Halifax, had made him whole.

State of Ireland.

But it was in Ireland, chiefly, that the mask was wholly taken off, and that the king thought himself at liberty to proceed to the full extent of his zeal and his violence. The Duke of Ormond was recalled; and though the primate and Lord Granard, two Protestants, still possessed the authority of justices, the whole power was lodged in the hands of Talbot, the general, soon after created Earl of Tyrconnel; a man who, from the blindness of his prejudices and fury of his temper, was transported with the most immeasurable ardour for the Catholic cause. After the suppression of Monmouth's rebellion, orders were given by Tyrconnel to disarm all the Protestants, on pretence of securing the public peace, and keeping their arms in a few magazines, for the use of the militia. Next, the

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army was new-modelled; and a great number of officers were dismissed, because it was pretended that they or their fathers had served under Cromwell and the republic. The injustice was not confined to them. Near three hundred officers more were afterwards broken, though many of them had purchased their commissions: about four or five thousand private soldiers, because they were Protestants, were dismissed; and being stripped even of their regimentals, were turned out to starve in the streets. While these violences were carrying on, Clarendon, who had been named lord lieutenant, came over; but he soon found that, as he had refused to give the king the desired pledge of fidelity by changing his religion, he possessed no credit or authority. He was even a kind of prisoner in the hands of Tyrconnel; and as he gave all opposition in his power to the precipitate measures of the Catholics, he was soon after recalled, and Tyrconnel substituted in his place. The unhappy Protestants now saw all the civil authority, as well as the military force, transferred into the hands of their inveterate enemies, inflamed with hereditary hatred, and stimulated by every motive which the passion either for power, property, or religion, could inspire. Even the barbarous banditti were let loose to prey on them in their present defenceless condition. A renewal of the ancient massacres was apprehended; and great multitudes, struck with the best grounded terror, deserted the kingdom, and infused into the English nation a dread of those violences, to which, after some time, they might justly, from the prevalence of the Catholics, think themselves exposed.

All judicious persons of the Catholic communion were disgusted with these violent measures, and could easily foresee the consequences. But James was entirely governed by the rash counsels of the queen and of his confessor, Father Peters, a Jesuit, whom he soon after created a privy counsellor. He thought, too, that, as he was now in the decline of life, it was necessary for him, by hasty steps, to carry his designs into execution, lest the succession of the Princess of Orange should overturn all his projects. In vain did Arundel, Powis, and Bellasis remonstrate, and suggest more moderate and cautious measures. These men had seen and felt, during the prosecution of the popish plot, the extreme antipathy which the nation bore to their religion; and though some subsequent incidents had seemingly allayed that spirit, they knew that the settled habits of the people were still the same, and that the smallest incident was sufficient to renew the former animosity. A very moderate indulgence, therefore, to the Catholic religion, would have satisfied them; and all attempts to acquire power, much more to produce a change of the national faith, they deemed dangerous and destructive[m].

Breach betwixt the king and the church.

On the first broaching of the popish plot, the clergy of the church of England had concurred in the prosecution of it with the same violence and credulity as the rest of the nation: but dreading afterwards the prevalence of republican and presbyterian principles, they had been engaged to support the measures of the court; and to their assistance, chiefly, James had owed his succession to the crown. Finding that all these services were forgotten, and that the Catholic religion was the king's sole favourite, the church had commenced an opposition to court measures; and popery was now acknowledged the more immediate danger. In order to prevent inflammatory sermons on this popular subject, James revived some directions to preachers, which had been promulgated by the late king in the beginning of his reign, when no design against the national religion was yet formed, or at least apprehended. But in the present delicate and interesting situation of the church, there was little reason to expect, that orders founded on no legal authority would be rigidly obeyed by preachers, who saw no security to themselves but in preserving the confidence and regard of the people. Instead of avoiding controversy, according to the king's injunctions, the preachers every where declaimed against popery; and among the rest, Dr. Sharpe, a clergyman of London, particularly distinguished himself, and affected to throw great contempt on those who had been induced to change their religion by such pitiful arguments as the Romish missionaries could suggest. This topic, being supposed to reflect on the king, gave great offence at court; and positive orders were issued to the Bishop of London, his diocesan, immediately to suspend Sharpe, till his majesty's pleasure should be farther known. The prelate replied, that he could not possibly obey these commands, and that he was not empowered, in such a summary manner, to inflict any punishment, even upon the greatest delinquent. But neither this obvious reason, nor the most dutiful submissions, both of the prelate and of Sharpe himself, could appease the court. The king was determined to proceed with violence in the prosecution of this affair. The bishop himself he resolved to punish for disobedience to his commands; and the expedient which he employed for that purpose was of a nature at once the most illegal and most alarming.

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[m] D'Avaux, 10th January, 1687.

Court of ecclesiastical commission.

Among all the engines of authority formerly employed by the crown, none had been more dangerous, or even destructive to liberty, than the court of high commission, which, together with the star-chamber, had been abolished in the reign of Charles I. by act of Parliament; in which a clause was also inserted, prohibiting the erection, in all future times, of that court, or any of a like nature. But this law was deemed by James no obstacle; and an ecclesiastical commission was anew issued, by which seven[n] commissioners were vested with full and unlimited authority over the church of England. On them were bestowed the same inquisitorial powers possessed by the former court of high commission: they might proceed upon bare suspicion; and the better to set the law at defiance, it was expressly inserted in their patent itself, that they were to exercise their jurisdiction, notwithstanding any law or statute to the contrary. The king's design to subdue the church was now sufficiently known: and had he been able to establish the authority of this new-erected court, his success was infallible. A more sensible blow could not be given, both to national liberty and religion: and happily the contest could not be tried in a cause more iniquitous and unpopular than that against Sharpe and the Bishop of London.

The prelate was cited before the commissioners. After denying the legality of the court, and claiming the privilege of all Christian bishops to be tried by the metropolitan and his suffragans, he pleaded, in his own defence, that as he was obliged, if he had suspended Sharpe, to act in the capacity of a judge, he could not, consistent either with law or equity, pronounce sentence without a previous citation and trial: that he had by petition represented this difficulty to his majesty; and not receiving any answer, he had reason to think that his petition had given entire satisfaction: that in order to show farther his deference, he had advised Sharpe to abstain from preaching till he had justified his conduct to the king; an advice which, coming from a superior, was equivalent to a command, and had accordingly met with the proper obedience: that he had thus, in his apprehension, conformed himself to his majesty's pleasure; but if he should still be found wanting to his duty in any particular, he was now willing to crave pardon, and to make reparation. All this submission, both in Sharpe and the prelate, had no effect: it was determined to have an example: orders were accordingly sent to the commissioners to proceed; and by a majority of votes the bishop, as well as the doctor, was suspended.

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[n] The persons named were the Archbishop of Canterbury, Sancroft; the Bishop of Durham, Crew; of Rochester, Sprat; the Earl of Rochester, Sunderland, Chancellor Jefferies, and Lord Chief Justice Herbert. The archbishop refused to act, and the Bishop of Chester was substituted in his place.

Sentence against the Bishop of London.

Almost the whole of this short reign consists of attempts, always imprudent, often illegal, sometimes both, against whatever was most loved and revered by the nation: even such schemes of the king's, as might be laudable in themselves, were so disgraced by his intentions, that they serve only to aggravate the charge against him. James was become a great patron of toleration, and an enemy to all those persecuting laws which, from the influence of the church, had been enacted both against the dissenters and Catholics. Not content with granting dispensations to particular persons, he assumed a power of issuing a declaration of general indulgence, and of suspending at once all the penal statutes, by which a conformity was required to the established religion. This was a strain of authority, it must be confessed, quite inconsistent with law and a limited constitution; yet was it supported by many strong precedents in the history of England. Even after the principles of liberty were become more prevalent, and began to be well understood, the late king had, oftener than once, and without giving much umbrage, exerted this dangerous power: he had,

Penal laws suspended.

in 1662, suspended the execution of a law which regulated carriages: during the two Dutch wars, he had twice suspended the act of navigation: and the Commons, in 1666, being resolved, contrary to the king's judgment, to enact that iniquitous law against the importation of Irish cattle, found it necessary, in order to obviate the exercise of this prerogative, which they desired not at that time entirely to deny or abrogate, to call that importation a nuisance.

Though the former authority of the sovereign was great in civil affairs, it was still greater in ecclesiastical; and the whole despotic power of the popes was often believed, in virtue of the supremacy, to have devolved to the crown. The last Parliament of Charles I., by abolishing the power of the king and convocation to frame canons without consent of Parliament, had somewhat diminished the supposed extent of the supremacy; but still very considerable remains of it, at least very important claims, were preserved, and were occasionally made use of by the sovereign. In 1662, Charles, pleading both the rights of his supremacy and his suspending power, had granted a general indulgence or toleration; and in 1672 he renewed the same edict: though the remonstrances of his Parliament obliged him on both occasions to retract; and in the last instance the triumph of law over prerogative was deemed very great and memorable. In general we may remark, that where the exercise of the suspending power was agreeable and useful, the power itself was little questioned: where the exercise was thought liable to exceptions, men not only opposed it, but proceeded to deny altogether the legality of the prerogative on which it was founded.

James, more imprudent and arbitrary than his predecessor, issued his proclamation, suspending all the penal laws in ecclesiastical affairs, and granting a general liberty of conscience to all his subjects. He was not deterred by the reflection, both that this scheme of indulgence was already blasted by two fruitless attempts, and that in such a government as that of England, it was not sufficient that a prerogative be approved of by some lawyers and antiquaries: if it was condemned by the general voice of the nation, and yet was still exerted, the victory

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over national liberty was no less signal than if obtained by the most flagrant injustice and usurpation. These two considerations, indeed, would rather serve to recommend this project to James; who deemed himself superior in vigour and activity to his brother, and who probably thought that his people enjoyed no liberties but by his royal concession and indulgence.

In order to procure a better reception for his edict of toleration, the king, finding himself opposed by the church, began to pay court to the dissenters; and he imagined that, by playing one party against another, he should easily obtain the victory over both; a refined policy which it much exceeded his capacity to conduct. His intentions were so obvious, that it was impossible for him ever to gain the sincere confidence and regard of the nonconformists. They knew that the genius of their religion was diametrically opposite to that of the Catholics, the sole object of the king's affection. They were sensible, that both the violence of his temper, and the maxims of his religion, were repugnant to the principles of toleration. They had seen that on his accession, as well as during his brother's reign, he had courted the church at their expense; and it was not till his dangerous schemes were rejected by the prelates, that he had recourse to the nonconformists. All his favours, therefore, must, to every man of judgment among the sectaries, have appeared insidious: yet such was the pleasure reaped from present ease, such the animosity of the dissenters against the church, who had so long subjected them to the rigours of persecution, that they every where expressed the most entire duty to the king, and compliance with his measures; and could not forbear rejoicing extremely in the present depression of their adversaries.

But had the dissenters been ever so much inclined to shut their eyes with regard to the king's intentions, the manner of conducting his scheme in Scotland was sufficient to discover the secret. The king first applied to the Scottish Parliament, and desired an indulgence for the Catholics alone, without comprehending the presbyterians: but that assembly, though more disposed than even the Parliament of England to sacrifice their civil

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liberties, resolved likewise to adhere pertinaciously to their religion; and they rejected, for the first time, the king's application. James therefore found himself obliged to exert his prerogative; and he now thought it prudent to interest a party among his subjects, besides the Catholics, in supporting this act of authority. To the surprise of the harassed and persecuted presbyterians, they heard the principles of toleration every where extolled, and found that full permission was granted to attend conventicles; an offence, which, even during this reign, had been declared no less than a capital enormity. The king's declaration, however, of indulgence contained clauses sufficient to depress their joy. As if popery were already predominant, he declared, "that he never would use force or *invincible necessity* against any man on account of his persuasion of the Protestant religion:" a promise surely of toleration given to the Protestants with great precaution, and admitting a considerable latitude for persecution and violence. It is likewise remarkable, that the king declared in express terms, "that he had thought fit, by his sovereign authority, prerogative royal, and *absolute* power, which all his subjects were to obey *without reserve*, to grant this royal toleration." The dangerous designs of other princes are to be collected by a comparison of their several actions, or by a discovery of their more secret counsels: but so blinded was James with zeal, so transported by his imperious temper, that even his proclamations and public edicts contain expressions which, without farther inquiry, may suffice to his condemnation.

The English well knew, that the king, by the constitution of their government, thought himself entitled, as indeed he was, to as ample authority in his southern as in his northern kingdom; and therefore, though the declaration of indulgence published for England was more cautiously expressed, they could not but be alarmed by the arbitrary treatment to which their neighbours were exposed. It is even remarkable, that the English declaration contained clauses of a strange import. The king there promised, that he would maintain his loving subjects in all their properties and possessions, as well of

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church and abbey lands as of any other. Men thought, that if the full establishment of popery were not at hand, this promise was quite superfluous; and they concluded, that the king was so replete with joy on the prospect of that glorious event, that he could not, even for a moment, refrain from expressing it.

State of Ireland.

But what afforded the most alarming prospect, was the continuance and even increase of the violent and precipitate conduct of affairs in Ireland. Tyrconnel was now vested with full authority; and carried over with him as chancellor one Fitton, a man who was taken from a jail, and who had been convicted of forgery and other crimes, but who compensated for all his enormities by a headlong zeal for the Catholic religion. He was even heard to say from the bench, that the Protestants were all rogues, and that there was not one among forty thousand that was not a traitor, a rebel, and a villain. The whole strain of the administration was suitable to such sentiments. The Catholics were put in possession of the council table, of the courts of judicature, and of the bench of justices. In order to make them masters of the Parliament, the same violence was exercised that had been practised in England. The charters of Dublin and of all the corporations were annulled; and new charters were granted, subjecting the corporations to the will of the sovereign. The Protestant freemen were expelled, Catholics introduced; and the latter sect, as they always were the majority in number, were now invested with the whole power of the kingdom. The act of settlement was the only obstacle to their enjoying the whole property; and Tyrconnel had formed a scheme for calling a Parliament, in order to reverse that act, and empower the king to bestow all the lands of Ireland on his Catholic subjects. But in this scheme he met with opposition from the moderate Catholics in the king's council. Lord Bellasis went even so far as to affirm with an oath, "that that fellow in Ireland was fool and madman enough to ruin ten kingdoms." The decay of trade, from the desertion of the Protestants, was represented; the sinking of the revenue; the alarm communicated to England: and by these considerations the king's resolutions were for some time suspended; though it was easy to foresee, from the usual tenor of his conduct, which side would at last preponderate.

Embassy to Rome.

But the king was not content with discovering in his own kingdom the imprudence of his conduct: he was resolved that all Europe should be witness of it. He publicly sent the Earl of Castlemaine ambassador extraordinary to Rome, in order to express his obeisance to the pope, and to make advances for reconciling his kingdoms, in form, to the catholic Communion. Never man, who came on so important an errand, met with so many neglects, and even affronts, as Castlemaine. The pontiff, instead of being pleased with this forward step, concluded that a scheme, conducted with so much indiscretion, could never possibly be successful: and as he was engaged in a violent quarrel with the French monarch, a quarrel which interested him more nearly than the conversion of England, he bore little regard to James, whom he believed too closely connected with his capital enemy.

The only proof of complaisance which James received from the pontiff, was his sending a nuncio to England, in return for the embassy. By act of Parliament any communication with the pope was made treason; yet so little regard did the king pay to the laws, that he gave the nuncio a public and solemn reception at Windsor. The Duke of Somerset, one of the bedchamber, because he refused to assist at this ceremony, was dismissed from his employment. The nuncio resided openly in London during the rest of this reign. Four Catholic bishops were publicly consecrated in the king's chapel, and sent out, under the title of vicars apostolical, to exercise the episcopal function in their respective dioceses. Their pastoral letters, directed to the lay Catholics of England, were printed and dispersed by the express allowance and permission of the king. The regular clergy of that communion appeared at court in the habits of their order; and some of them were so indiscreet as to boast, that, in a little time, they hoped to walk in procession through the capital.

While the king shocked in the most open manner all the principles and prejudices of his Protestant subjects, he could not sometimes but be sensible, that he stood in need of their assistance for the execution of his designs. He had himself, by virtue of his prerogative, suspended the penal laws, and dispensed with the test; but he would gladly have obtained the sanction of Parliament to these acts of power; and he knew that, without this authority, his edicts alone would never afford a durable security to the Catholics. He had employed, therefore, with the members of Parliament many private conferences, which were then called *closetings*: and he used every expedient of reasons, menaces, and promises, to break their obstinacy in this particular. Finding all his efforts fruitless, he had dissolved the Parliament, and was determined to call a new one, from which he expected more complaisance and submission. By the practice of annulling the charters, the king was become master of all the corporations, and could at pleasure change every where the whole magistracy. The church party, therefore, by whom the crown had been hitherto so remarkably supported, and to whom the king visibly owed his safety from all the efforts of his enemies, was deprived of authority; and the dissenters, those very enemies, were, first in London, and afterwards in every other corporation, substituted in their place. Not content with this violent and dangerous innovation, the king appointed certain regulators to examine the qualifications of electors; and directions were given them to exclude all such as adhered to the test and penal statutes[c]. Queries to this purpose were openly proposed in all places, in order to try the sentiments of men, and enable the king to judge of the proceedings of the future Parliament. The power of the crown was at this time so great, and the revenue, managed by James's frugality, so considerable and independent, that, if he had embraced any national party, he had been ensured of success, and might have carried his authority to what length he pleased. But the Catholics, to whom he had entirely devoted himself, were scarcely the hundredth part of the people. Even the Protestant nonconformists, whom he so much courted, were little more than the twentieth; and what was worse, reposed no confidence in the unnatural alliance contracted with the Catholics, and in the principles of toleration, which, contrary to their usual practice in all ages, seemed at present to be adopted by that sect. The king, therefore, finding little hopes of success, delayed the summoning of a Parliament, and proceeded still in the exercise of his illegal and arbitrary authority.

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[c] The elections in some places, particularly in York, were transferred from the people to the magistrates, who, by the new charter, were all named by the crown. Sir John Reresby's Memoirs, p. 272. This was in reality nothing different from the king's naming the members. The same act of authority had been employed in all the boroughs of Scotland.

The whole power in Ireland had been committed to Catholics. In Scotland, all the ministers whom the king chiefly trusted were converts to that religion. Every great office in England, civil and military, was gradually transferred from the Protestants. Rochester and Clarendon, the king's brothers-in-law, though they had ever been faithful to his interests, could not, by all their services, atone for their adherence to the national religion, and had been dismissed from their employments. The violent Jefferies himself, though he had sacrificed justice and humanity to the court, yet, because he refused also to give up his religion, was declining in favour and interest. Nothing now remained but to open the door in the church and universities to the intrusion of the Catholics. It was not long before the king made this rash effort; and by constraining the prelacy and established church to seek protection in the principles of liberty, he at last left himself entirely without friends and adherents.

Father Francis, a Benedictine, was recommended by the king's mandate to the university of Cambridge for the degree of master of arts; and as it was usual for the university to confer that degree on persons eminent for learning, without regard to their religion, and as they had even admitted lately the secretary to the ambassador of Morocco, the king on that account thought himself the better entitled to compliance. But the university considered, that there was a great difference between a compliment bestowed on foreigners, and degrees which gave a title to vote in all the elections and statutes of the university, and which, if conferred on the Catholics, would infallibly in time render that sect entirely superior. They therefore refused to obey the king's mandate, and were cited to appear before the court of ecclesiastical commission. The vice-chancellor was suspended by that court; but as the university chose a man of spirit to succeed him, the king thought proper for the present to drop his pretensions.

Attempt upon Magdalen College.

The attempt upon the university of Oxford was prosecuted with more inflexible obstinacy, and was attended with more important consequences. This university had lately, in their famous decree, made a solemn profession of passive obedience; and the court probably expected that they would show their sincerity, when their turn came to practise that doctrine; which, though, if carried to the utmost extent, it be contrary both to reason and to nature, is apt to meet with the more effectual opposition from the latter principle. The president of Magdalen College, one of the richest foundations in Europe, dying about this time, a mandate was sent in favour of Farmer, a new convert, but one who, besides his being a Catholic, had not, in other respects, the qualifications required by the statutes for enjoying that office. The fellows of the college made submissive applications to the king for recalling his mandate; but before they received an answer, the day came, on which, by their statutes, they were obliged to proceed to an election. They chose Dr. Hough, a man of virtue, as well as of the firmness and vigour requisite for maintaining his own rights and those of the university. In order to punish the college for this contumacy, as it was called, an inferior ecclesiastical commission was sent down, and the new president and the fellows were cited before it. So little regard had been paid to any consideration besides religion, that Farmer, on inquiry, was found guilty of the lowest and most scandalous vices, insomuch that even the ecclesiastical commissioners were ashamed to insist on his election. A new mandate, therefore, was issued in favour of Parker, lately created Bishop of Oxford, a man of a prostitute character, but who, like Farmer, atoned for all his vices by his avowed willingness to embrace the Catholic religion. The college represented, that all presidents had ever been appointed by election, and there were few instances of the king's interposing by his recommendation in favour of any candidate; that having already made a regular election of a president, they could not deprive

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him of his office, and, during his lifetime, substitute any other in his place; that even if there were a vacancy, Parker, by the statutes of their founder, could not be chosen; that they had all of them bound themselves by oath to observe these statutes, and never on any account to accept of a dispensation; and that the college had at all times so much distinguished itself by its loyalty, that nothing but the most invincible necessity could now oblige them to oppose his majesty's inclinations. All these reasons availed them nothing. The president and all the fellows, except two who complied, were expelled the college; and Parker was put in possession of the office. This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by court lawyers, it had still been allowed, that the statutes which regard private property could not legally be infringed by that prerogative. Yet in this instance it appeared, that even these were not now secure from invasion. The privileges of a college are attacked: men are illegally dispossessed of their property, for adhering to their duty, to their oaths, and to their religion: the fountains of the church are attempted to be poisoned; nor would it be long, it was concluded, ere all ecclesiastical, as well as civil preferments, would be bestowed on such as, negligent of honour, virtue, and sincerity, basely sacrificed their faith to the reigning superstition. Such were the general sentiments; and as the universities have an intimate connexion with the ecclesiastical establishments, and mightily interest all those who have there received their education, this arbitrary proceeding begat an universal discontent against the king's administration.

The next measure of the court was an insult still more open on the ecclesiastics, and rendered the breach between the king and that powerful body fatal as well as incurable. It is strange that James, when he felt, from the sentiments of his own heart, what a mighty influence religious zeal had over him, should yet be so infatuated as never once to suspect that it might possibly have a proportionate authority over his subjects. Could he have profited by repeated experience, he had seen instances enow of

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their strong aversion to that communion, which, from a violent imperious temper, he was determined, by every possible expedient, to introduce into his kingdoms.

The king published a second declaration of indulgence, almost in the same terms with the former; and he subjoined an order, that, immediately after divine service, it should be read by the clergy in all the churches. As they were known universally to disapprove of the use made of the suspending power, this clause, they thought, could be meant only as an insult upon them; and they were sensible that, by their compliance, they should expose themselves both to public contempt, on account of their tame behaviour, and to public hatred, by their indirectly patronising so obnoxious a prerogative [p]. They were determined therefore, almost universally, to preserve the regard of the people; their only protection while the laws were become of so little validity, and while the court was so deeply engaged in opposite interests. In order to encourage them in this resolution, six prelates, namely, Lloyde, Bishop of St. Asaph, Ken, of Bath and Wells, Turner, of Ely, Lake, of Chichester, White, of Peterborough, and Trelawney, of Bristol, met privately with the primate, and concerted the form of a petition to the king. They there represent in few words, that though possessed of the highest sense of loyalty, a virtue of which the church of England had given such eminent testimonies; and though desirous of affording ease, in a legal way, to all Protestant dissenters; yet, because the declaration of indulgence was founded on a prerogative formerly declared illegal by Parliament, they could not in prudence, honour, or conscience, so far make themselves parties, as the distribution of it all over the kingdom would be interpreted to amount to. They therefore besought the king, that he would not insist upon their reading that declaration [q].

[p] When Charles dissolved his last Parliament, he set forth a declaration giving his reasons for that measure, and this declaration the clergy had been ordered to read to the people after divine service. These orders were agreeable to their party prejudices, and they willingly submitted to them: the contrary was now the case.

[q] The words of the petition were: That the great averseness found in themselves to their distributing and publishing in all their churches your majesty's late declaration for liberty of conscience, proceeds neither from any want of duty and obedience to your majesty, (our holy mother, the church of England, being both in her principles and her constant practice unquestionably loyal, and having to her great honour been more than once publicly acknowledged to be so by your gracious ma-

The king was incapable, not only of yielding to the greatest opposition, but of allowing the slightest and most respectful contradiction to pass uncensured. He immediately embraced a resolution (and his resolutions, when once embraced, were inflexible) of punishing the bishops, for a petition so popular in its matter, and so prudent and cautious in the expression. As the petition was delivered him in private, he summoned them before the council, and questioned them whether they would acknowledge it. The bishops saw his intention, and seemed long desirous to decline answering; but being pushed by the chancellor, they at last avowed the petition. On their refusal to give bail, an order was immediately drawn for their commitment to the Tower; and the crown lawyers received directions to prosecute them for the seditious libel which, it was pretended, they had composed and uttered.

Imprisonment,

The people were already aware of the danger to which the prelates were exposed; and were raised to the highest pitch of anxiety and attention, with regard to the issue of this extraordinary affair. But when they beheld these fathers of the church brought from court under the custody of a guard, when they saw them embarked in vessels on the river, and conveyed towards the Tower, all their affection for liberty, all their zeal for religion, blazed up at once; and they flew to behold this affecting spectacle. The whole shore was covered with crowds of prostrate spectators, who at once implored the blessing of those holy pastors, and addressed their petitions towards heaven for protection during this extreme danger to which their country and their religion stood exposed. Even the soldiers, seized with the contagion of the same spirit, flung themselves on their knees before the distressed prelates, and craved the benediction of those

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jesty,) nor yet from any want of tenderness to dissenters, in relation to whom we are willing to come to such a temper as shall be thought fit, when the matter shall be considered and settled in Parliament and convocation; but, among many other considerations, from this especially, because that declaration is founded upon such a dispensing power as hath been often declared illegal in Parliament, and particularly in the years 1662 and 1672, and in the beginning of your majesty's reign, and is a matter of so great moment and consequence to the whole nation, both in church and state, that your petitioners cannot in prudence, honour, or conscience, so far make themselves parties to it, as a distribution of it all over the nation, and the solemn publication of it once and again, even in God's house, and in the time of divine service, must amount to in common and reasonable construction.

criminals whom they were appointed to guard. Some persons ran into the water, that they might participate more nearly in those blessings which the prelates were distributing on all around them. The bishops themselves, during this triumphant suffering, augmented the general favour by the most lowly submissive deportment; and they still exhorted the people to fear God, honour the king, and maintain their loyalty; expressions more animating than the most inflammatory speeches: and no sooner had they entered the precincts of the Tower than they hurried to chapel, in order to return thanks for those afflictions which Heaven, in defence of its holy cause, had thought them worthy to endure.

trial,

Their passage, when conducted to their trial, was, if possible, attended by greater crowds of anxious spectators. All men saw the dangerous crisis to which affairs were reduced, and were sensible that the king could not have put the issue on a cause more unfavourable for himself than that in which he had so imprudently engaged. Twenty-nine temporal peers (for the other prelates kept aloof) attended the prisoners to Westminster-hall; and such crowds of gentry followed the procession, that scarcely was any room left for the populace to enter. The lawyers for the bishops were Sir Robert Sawyer, Sir Francis Pemberton, Pollexfen, Treby, and Somers. No cause, even during the prosecution of the popish plot, was ever heard with so much zeal and attention. The popular torrent, which, of itself, ran fierce and strong, was now further irritated by the opposition of government.

The counsel for the bishops pleaded, that the law allowed subjects, if they thought themselves aggrieved in any particular, to apply by petition to the king, provided they kept within certain bounds, which the same law prescribed to them, and which, in the present petition, the prelates had strictly observed: that an active obedience, in cases which were contrary to conscience, was never pretended to be due to government; and law was allowed to be the great measure of the compliance and submission of subjects: that when any person found commands to be imposed upon him which he could not obey, it was more respectful in him to offer his reasons for refusal than to remain in a sullen and refractory silence: that it was no breach of duty in subjects, even though not called upon, to discover their sense of public measures, in which every one had so intimate a concern: that the bishops in the present case were called upon, and must either express their approbation by compliance, or their disapprobation by petition: that it could be no sedition to deny the prerogative of suspending the laws; because there really was no such prerogative, nor ever could be, in a legal and limited government: that even if this prerogative were real, it had yet been frequently controverted before the whole nation, both in Westminster-hall, and in both Houses of Parliament; and no one had ever dreamed of punishing the denial of it as criminal: that the prelates, instead of making an appeal to the people, had applied in private to his majesty, and had even delivered their petition so secretly, that except by the confession extorted from them before the council, it was found impossible to prove them the authors: and that though the petition was afterwards printed and dispersed, it was not so much as attempted to be proved that they had the least knowledge of the publication.

These arguments were convincing in themselves, and were heard with a favourable disposition by the audience. Even some of the judges, though their seats were held during pleasure, declared themselves in favour of the prisoners. The jury, however, from what cause is unknown, took several hours to deliberate, and kept, during so long a time, the people in the most anxious expectation. But when the wished-for verdict, *not guilty*, was at last pronounced, the intelligence was echoed through the hall, was conveyed to the crowds without, was carried into the city, and was propagated with infinite joy throughout the kingdom.

17th June, and acquittal of the bishops.

Ever since Monmouth's rebellion, the king had, every summer, encamped his army on Hounslow-heath, that he might both improve their discipline, and by so unusual a spectacle overawe the mutinous people. A popish chapel was openly erected in the midst of the camp, and great pains were taken, though in vain, to bring over the soldiers to that communion. The few converts, whom the priests had made, were treated with such contempt and ignominy, as deterred every one from following the

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example. Even the Irish officers, whom the king introduced into the army, served rather, from the aversion borne them, to weaken his interest among them. It happened, that the very day on which the trial of the bishops was finished, James had reviewed the troops, and had retired into the tent of Lord Feversham, the general; when he was surprised to hear a great uproar in the camp, attended with the most extravagant symptoms of tumultuary joy. He suddenly inquired the cause, and was told by Feversham, "It was nothing but the rejoicing of the soldiers for the acquittal of the bishops." "Do you call that nothing?" replied he; "but so much the worse for them."

The king was still determined to rush forward in the same course, in which he was already, by his precipitate career, so fatally advanced. Though he knew that every order of men, except a handful of Catholics, were enraged at his past measures, and still more terrified with the future prospect: though he saw that the same discontents had reached the army, his sole resource during the general disaffection; yet he was incapable of changing his measures, or even remitting his violence in the prosecution of them. He struck out two of the judges, Powel and Holloway, who had appeared to favour the bishops: he issued orders to prosecute all those clergymen who had not read his declaration; that is, the whole church of England, two hundred excepted: he sent a mandate to the new fellows, whom he had obtruded on Magdalen college, to elect for president, in the room of Parker, lately deceased, one Gifford, a doctor of the Sorbonne, and titular bishop of Madura; and he is even said to have nominated the same person to the see of Oxford. So great an infatuation is perhaps an object of compassion rather than of anger; and is really surprising in a man who, in other respects, was not wholly deficient in sense and accomplishments.

A few days before the acquittal of the bishops, an event happened, which, in the king's sentiments, much overbalanced all the mortifications received on that occasion. The queen was delivered of a son, who was baptized by the name of James. This blessing was impatiently longed for, not only by the king and queen,

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but by all the zealous Catholics both abroad and at home. They saw that the king was past middle age, and that on his death the succession must devolve to the Prince and Princess of Orange, two zealous Protestants, who would soon replace every thing on ancient foundations. Vows, therefore, were offered at every shrine for a male successor: pilgrimages were undertaken, particularly one to Loretto, by the Duchess of Modena; and success was chiefly attributed to that pious journey. But in proportion as this event was agreeable to the Catholics, it increased the disgust of the Protestants, by depriving them of that pleasing, though somewhat distant prospect, in which at present they flattered themselves. Calumny even went so far as to ascribe to the king the design of imposing on the world a supposititious child, who might be educated in his principles, and after his death support the Catholic religion in his dominions. The nation almost universally believed him capable, from bigotry, of committing any crime; as they had seen, that, from like motives, he was guilty of every imprudence: and the affections of nature, they thought, would be easily sacrificed to the superior motive of propagating a Catholic and orthodox faith. The present occasion was not the first when that calumny had been invented. In the year 1682, the queen, then Duchess of York, had been pregnant; and rumours were spread that an imposture would at that time be obtruded upon the nation: but, happily, the infant proved a female, and thereby spared the party all the trouble of supporting their improbable fiction[r].

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[r] This story is taken notice of in a weekly paper, the Observator, published at that very time, 23d of August, 1682. Party zeal is capable of swallowing the most incredible story; but it is surely singular, that the same calumny, when once baffled, should yet be renewed with such success.

CHAPTER LXXI.

Conduct of the Prince of Orange—he forms a League against France—refuses to concur with the King—resolves to oppose the King—is applied to by the English.—Coalition of Parties.—Prince's Preparations.—Offers of France to the King—rejected.—Supposed League with France.—General Discontents.—The King retracts his Measures.—Prince's Declaration.—The Prince lands in England.—General Commotion.—Desertion of the Army—and of Prince George—and of the Princess Anne.—King's Consternation—and Flight.—General Confusion.—King seized at Feversham.—Second Escape.—King's Character.—Convention summoned.—Settlement of Scotland.—English Convention meets.—Views of the Parties.—Free Conference between the Houses.—Commons prevail.—Settlement of the Crown.—Manners and Sciences.

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While every motive, civil and religious, concurred to alienate from the king every rank and denomination of men, it might be expected that his throne would, without delay, fall to pieces by its own weight: but such is the influence of established government, so averse are men from beginning hazardous enterprises, that, had not an attack been made from abroad, affairs might long have remained in their present delicate situation, and James might at last have prevailed in his rash and ill-concerted projects.

Conduct of the Prince of Orange.

The Prince of Orange, ever since his marriage with the Lady Mary, had maintained a very prudent conduct, agreeably to that sound understanding with which he was so eminently endowed. He made it a maxim to concern himself little in English affairs, and never by any measure to disgust any of the factions, or give umbrage to the prince who filled the throne. His natural inclination, as well as his interest, led him to employ himself with assiduous industry in the transactions on the continent, and to oppose the grandeur of the French monarch, against whom he had long, both from personal and political considerations, conceived a violent animosity. By this conduct he gratified the prejudices of the whole English nation; but as he crossed the inclinations of Charles, who sought peace by compliance with France, he had much declined in the favour and affections of that monarch.

James on his accession found it so much his interest to live on good terms with the heir apparent, that he showed the prince some demonstrations of friendship; and the prince, on his part, was not wanting in every instance of duty and regard towards the king. On Monmouth's invasion he immediately despatched over six regiments of British troops, which were in the Dutch service; and he offered to take the command of the king's forces against the rebels. How little soever he might approve of James's administration, he always kept a total silence on the subject, and gave no countenance to those discontents which were propagated with such industry throughout the nation.

It was from the application of James himself, that the prince first openly took any part in English affairs. Notwithstanding the lofty ideas which the king had entertained of his prerogative, he found that the edicts emitted from it still wanted much of the authority of laws, and that the continuance of them might in the issue become dangerous, both to himself and to the Catholics, whom he desired to favour. An act of Parliament alone could ensure the indulgence or toleration which he had laboured to establish; and he hoped that, if the prince would declare in favour of that scheme, the members, who had hitherto resisted all his own applications, would at last be prevailed with to adopt it. The consent, therefore, of the prince to the repeal of the penal statutes and of the test was strongly solicited by the king; and in order to engage him to agree to that measure, hopes were given[a], that England would second him in all those enterprises which his active and extensive genius had with such success planned on the continent. He was at this time the centre of all the negotiations of Christendom.

He forms a league against France.

The emperor and the King of Spain, as the prince well knew, were enraged by the repeated injuries which they had suffered from the ambition of Lewis, and still more by the frequent insults which his pride had made them undergo. He was apprized of the influence of these monarchs over the Catholic princes of the empire: he had

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[a] Burnet, vol. i. p. 711. D'Avaux, 15th of April, 1688.

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himself acquired great authority with the Protestant: and he formed a project of uniting Europe in one general league against the encroachments of France, which seemed so nearly to threaten the independence of all its neighbours.

No characters are more incompatible than those of a conqueror and a persecutor; and Lewis soon found, that besides his weakening France by the banishment of so many useful subjects, the refugees had inflamed all the Protestant nations against him, and had raised him enemies, who, in defence of their religion as well as liberty, were obstinately resolved to oppose his progress. The city of Amsterdam and other towns in Holland, which had before fallen into dependence on France, being terrified with the accounts which they every moment received of the furious persecutions against the Hugonots, had now dropped all domestic faction, and had entered into an entire confidence with the Prince of Orange[b]. The Protestant princes of the empire formed a separate league at Magdebourg for the defence of their religion. The English were anew enraged at the blind bigotry of their sovereign, and were disposed to embrace the most desperate resolutions against him. From a view of the state of Europe during this period, it appears that Lewis, besides sullying an illustrious reign, had wantonly, by this persecution, raised invincible barriers to his arms, which otherwise it had been difficult, if not impossible, to resist.

The Prince of Orange knew how to avail himself of all these advantages. By his intrigues and influence, there was formed at Augsburg a league, in which the whole empire united for its defence against the French monarch. Spain and Holland became parties in the alliance. The accession of Savoy was afterwards obtained. Sweden and Denmark seemed to favour the same cause. But though these numerous states composed the greatest part of Europe, the league was still deemed imperfect, and unequal to its end, so long as England maintained that neutrality in which she had hitherto persevered.

James, though more prone to bigotry, was more sen-

[b] D'Avaux, 24th of July, 1681; 20th of June, 15th of October, 11th of November, 1688; vol. iv. p. 30.

sible to his own and to national honour than his brother; and had he not been restrained by the former motive, he would have maintained with more spirit the interests and independence of his kingdoms. When a prospect, therefore, appeared of effecting his religious schemes by opposing the progress of France, he was not averse to that measure; and he gave his son-in-law room to hope, that by concurring with his views in England, he might prevail with him to second those projects which the prince was so ambitious of promoting.

Refuses to concur with the king.

A more tempting offer could not be made to a person of his enterprising character: but the objections to that measure, upon deliberation, appeared to him insurmountable. The king, he observed, had incurred the hatred of his own subjects: great apprehensions were entertained of his designs: the only resource which the nation saw was in the future succession of the prince and princess: should *he* concur in those dreaded measures, he would draw on himself all the odium under which the king laboured: the nation might even refuse to bear the expense of alliances, which would in that case become so suspicious: and he might himself incur the danger of losing a succession which was awaiting him, and which the egregious indiscretion of the king seemed even to give him hopes of reaping, before it should devolve to him by the course of nature. The prince, therefore, would go no farther than to promise his consent to the repeal of the penal statutes, by which the nonconformists as well as Catholics were exposed to punishment: the test he deemed a security absolutely necessary for the established religion.

The king did not remain satisfied with a single trial. There was one Stuart, a Scotch lawyer, who had been banished for pretended treasonable practices; but who had afterwards obtained a pardon, and had been recalled. By the king's directions, Stuart wrote several letters to pensionary Fagel, with whom he had contracted an acquaintance in Holland; and besides urging all the motives for an unlimited toleration, he desired that his reasons should, in the king's name, be communicated to the Prince and Princess of Orange. Fagel during a long time made no reply; but finding that his silence was construed into an assent, he at last expressed his own

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sentiments and those of their highnesses. He said, that it was their fixed opinion, that no man, merely because he differed from the established faith, should ever, while he remained a peaceable subject, be exposed to any punishment or even vexation. That the prince and princess gave heartily their consent for repealing legally all the penal statutes, as well those which had been enacted against the Catholics as against the Protestant nonconformists, and would concur with the king in any measure for that purpose. That the test was not to be considered as a penalty inflicted on the professors of any religion, but as a security provided for the established worship. That it was no punishment on men to be excluded from public offices, and to live peaceably on their own revenues or industry. That even in the United Provinces, which were so often cited as models of toleration, though all sects were admitted, yet civil offices were enjoyed by the professors of the established religion alone. That military commands, indeed, were sometimes bestowed on Catholics; but as they were conferred with great precaution, and still lay under the control of the magistrate, they could give no just reason for umbrage: and that their highnesses, however desirous of gratifying the king, and of endeavouring, by every means, to render his reign peaceable and happy, could not agree to any measure which would expose their religion to such imminent danger.

When this letter was published, as it soon was, it inspired great courage into the Protestants of all denominations, and served to keep them united in their opposition to the encroachments of the Catholics. On the other hand, the king, who was not content with a simple toleration for his own religion, but was resolved that it should enjoy great credit, if not an absolute superiority, was extremely disgusted, and took every occasion to express his displeasure, as well against the Prince of Orange as the United Provinces. He gave the Algerine pirates, who preyed on the Dutch, a reception in his harbours, and liberty to dispose of their prizes; he revived some complaints of the East India Company with regard to the affair of Bantam[c]; he required the six British regiments in the Dutch service to be sent over; he began to put his navy in a formidable condition; and from all his movements, the Hollanders entertained apprehensions, that he sought only an occasion and pretence for making war upon them.

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[c] D'Avaux, 21st of January, 1687.

Resolves to oppose the king.

The prince in his turn resolved to push affairs with more vigour, and to preserve all the English Protestants in his interests, as well as maintain them firm in their present union against the Catholics. He knew that men of education in England were, many of them, retained in their religion more by honour than by principle [d]; and that though every one was ashamed to be the first proselyte, yet, if the example were once set by some eminent persons, interest would every day make considerable conversions to a communion which was so zealously encouraged by the sovereign. Dykvelt therefore was sent over as envoy to England; and the prince gave him instructions, besides publicly remonstrating on the conduct of affairs both at home and abroad, to apply in his name, after a proper manner, to every sect and denomination. To the church party he sent assurances of favour and regard, and protested that his education in Holland had nowise prejudiced him against episcopal government. The nonconformists were exhorted not to be deceived by the fallacious caresses of a popish court, but to wait patiently till, in the fulness of time, laws, enacted by Protestants, should give them that toleration which, with so much reason, they had long demanded. Dykvelt executed his commission with such dexterity, that all orders of men cast their eyes towards Holland, and expected thence a deliverance from those dangers with which their religion and liberty were so nearly threatened.

Is applied to by the English.

Many of the most considerable persons, both in church and state, made secret applications to Dykvelt, and through him to the Prince of Orange. Admiral Herbert too, though a man of great expense, and seemingly of little religion, had thrown up his employments, and had retired to the Hague, where he assured the prince of the disaffection of the seamen, by whom that admiral was extremely beloved. Admiral Russel, cousin-german to the unfortunate lord of that name, passed frequently between England and Holland, and kept the communication open with all the great men of the Protestant party. Henry Sidney, brother to Algernon, and uncle to the Earl of Sunderland, came over under pretence of drinking the waters at Spaw, and conveyed still stronger assurances of an universal combination against the measures of the king. Lord Dumblaine, son of the Earl of Danby, being master of a frigate, made several voyages to Holland, and carried from many of the nobility tenders of duty, and even considerable sums of money [e], to the Prince of Orange.

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[d] Burnet.

There remained, however, some reasons, which retained all parties in awe, and kept them from breaking out into immediate hostility. The prince, on the one hand, was afraid of hazarding, by violent measures, an inheritance which the laws ensured to the princess; and the English Protestants, on the other, from the prospect of her succession, still entertained hopes of obtaining at last a peaceable and a safe redress of all their grievances. But when a son was born to the king, both the prince and the English nation were reduced to despair, and saw no resource but in a confederacy for their mutual interests. And thus the event, which James had so long made the object of his most ardent prayers, and from which he expected the firm establishment of his throne, proved the immediate cause of his ruin and downfal.

Zuylestein, who had been sent over to congratulate the king on the birth of his son, brought back to the prince invitations from most of the great men in England, to assist them, by his arms, in the recovery of their laws and liberties. The Bishop of London, the Earls of Danby, Nottingham, Devonshire, Dorset, the Duke of Norfolk, the Lords Lovelace, Delamere, Paulet, Eland, Mr. Hambden, Powle, Lester, besides many eminent citizens of London; all these persons, though of opposite parties, concurred in their applications to the prince. The whigs, suitably to their ancient principles of liberty, which had led them to attempt the exclusion bill, easily agreed to oppose a king, whose conduct had justified whatever his worst enemies had prognosticated concerning his succession. The tories and the church party, finding their past services forgotten, their rights invaded, their religion

Coalition of parties.

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[e] D'Avaux, 14th and 24th of September, 8th and 15th of October, 1688.

threatened, agreed to drop for the present all overstrained doctrines of submission, and attend to the great and powerful dictates of nature. The nonconformists, dreading the caresses of known and inveterate enemies, deemed the offers of toleration more secure from a prince, educated in those principles, and accustomed to that practice. And thus all faction was for a time laid asleep in England; and rival parties, forgetting their animosity, had secretly concurred in a design of resisting their unhappy and misguided sovereign. The Earl of Shrewsbury, who had acquired great popularity by deserting, at this time, the Catholic religion, in which he had been educated, left his regiment, mortgaged his estate for forty thousand pounds, and made a tender of his sword and purse to the Prince of Orange. Lord Wharton, notwithstanding his age and infirmities, had taken a journey for the same purpose. Lord Mordaunt was at the Hague, and pushed on the enterprise with that ardent and courageous spirit for which he was so eminent. Even Sunderland, the king's favourite minister, is believed to have entered into a correspondence with the prince; and at the expense of his own honour and his master's interests, to have secretly favoured a cause, which, he foresaw, was likely soon to predominate[f].

The prince was easily engaged to yield to the applications of the English, and to embrace the defence of a nation, which, during its present fears and distresses, regarded him as its sole protector. The great object of his ambition was to be placed at the head of a confederate army, and by his valour to avenge the injuries which he himself, his country, and his allies had sustained from the haughty Lewis. But while England remained under the present government, he despaired of ever forming a league which would be able, with any probability of success, to make opposition against that powerful monarch. The ties of affinity could not be supposed to have great influence over a person of the prince's rank and temper; much more as he knew, that they were at first unwillingly contracted by the king, and had never since been cultivated by any essential favours or good offices. Or should any reproach remain upon him for violating the duties of private life, the glory of delivering oppressed nations would, he hoped, be able, in the eyes of reasonable men, to make ample compensation. He could not well expect, on the commencement of his enterprise, that it would lead him to mount the throne of England: but he undoubtedly foresaw, that its success would establish his authority in that kingdom: and so egregious was James's temerity, that there was no advantage, so great or obvious, which that prince's indiscretion might not afford his enemies.

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[f] D'Avaux was always of that opinion. See his negotiations 6th and 20th of May, 18th, 27th of September, 22d of November, 1688. On the whole, that opinion is the most probable.

The Prince of Orange, throughout his whole life, was peculiarly happy in the situations in which he was placed. He saved his own country from ruin, he restored the liberties of these kingdoms, he supported the general independency of Europe. And thus, though his virtue, it is confessed, be not the purest which we meet with in history, it will be difficult to find any person whose actions and conduct have contributed more eminently to the general interests of society and of mankind.

Prince's preparations.

The time, when the prince entered on his enterprise, was well chosen; as the people were then in the highest ferment, on account of the insult which the imprisonment and trial of the bishops had put upon the church, and indeed upon all the Protestants of the nation. His method of conducting his preparations was no less wise and politic. Under other pretences he had beforehand made considerable augmentations to the Dutch navy; and the ships were at that time lying in harbour. Some additional troops were also levied; and sums of money, raised for other purposes, were diverted by the prince to the use of this expedition. The states had given him their entire confidence; and partly from terror of the power of France, partly from disgust at some restraints laid on their commerce in that kingdom, were sensible how necessary success in this enterprise was become to their domestic happiness and security. Many of the neighbouring princes regarded him as their guardian and protector, and were guided by him in all their counsels. He held conferences with Castanaga, governor of the Spanish Netherlands, with the Electors of Brandenburgh and Saxony, with the Landgrave of Hesse-Cassel, and with the whole house of Lunenbourg. It was agreed, that these princes should replace the troops employed against England, and should protect the United Provinces during the absence of the Prince of Orange. Their forces were already on their march for that purpose: a considerable encampment of the Dutch army was formed at Nimeguen: every place was in movement: and though the roots of this conspiracy reached from one end of Europe to the other, so secret were the prince's counsels, and so fortunate was the situation of affairs, that he could still cover his preparations under other pretences; and little suspicion was entertained of his real intentions.

The King of France, menaced by the league of Augsburg, had resolved to strike the first blow against the allies; and having sought a quarrel with the emperor and the elector palatine, he had invaded Germany with a great army, and had laid siege to Philipsbourg. The Elector of Cologn, who was also Bishop of Liege and Munster, and whose territories almost entirely surrounded the United Provinces, had died about this time; and the candidates for that rich succession were Prince Clement of Bavaria, supported by the house of Austria, and the Cardinal of Furstemberg, a prelate dependent on France. The pope, who favoured the allies, was able to throw the balance between the parties, and Prince Clement was chosen; a circumstance which contributed extremely to the security of the states. But as the cardinal kept possession of many of the fortresses, and had applied to France for succour, the neighbouring territories were full of troops; and by this means the preparations of the Dutch and their allies seemed intended merely for their own defence against the different enterprises of Lewis.

All the artifices, however, of the prince could not entirely conceal his real intentions from the sagacity of the French court. D'Avaux, Lewis's envoy at the Hague, had been able, by a comparison of circumstances, to trace the purposes of the preparations in Holland; and he instantly informed his master of the discovery. Lewis conveyed the intelligence to James, and accompanied the

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Offers of France to the king, rejected.

information with an important offer. He was willing to join a squadron of French ships to the English fleet, and to send over any number of troops which James should judge requisite for his security. When this proposal was rejected, he again offered to raise the siege of Philipsbourg, to march his army into the Netherlands, and by the terror of his arms to detain the Dutch forces in their own country. This proposal met with no better reception.

James was not, as yet, entirely convinced, that his son-in-law intended an invasion upon England. Fully persuaded, himself, of the sacredness of his own authority, he fancied that a like belief had made deep impression on his subjects; and notwithstanding the strong symptoms of discontent which broke out every where, such an universal combination in rebellion appeared to him nowise credible. His army, in which he trusted, and which he had considerably augmented, would easily be able, he thought, to repel foreign force, and to suppress any sedition among the populace. A small number of French troops, joined to these, might tend only to breed discontent, and afford them a pretence for mutinying against foreigners, so much feared and hated by the nation. A great body of auxiliaries might indeed secure him both against an invasion from Holland, and against the rebellion of his own subjects; but would be able afterwards to reduce him to dependence, and render his authority entirely precarious. Even the French invasion of the Low Countries might be attended with dangerous consequences; and would suffice, in these jealous times, to revive the old suspicion of a combination against Holland, and against the Protestant religion; a suspicion which had already produced such discontents in England. These were the views suggested by Sunderland; and it must be confessed, that the reasons on which they were founded were sufficiently plausible; as indeed the situation, to which the king had reduced himself, was, to the last degree, delicate and perplexing.

Still Lewis was unwilling to abandon a friend and ally, whose interests he regarded as closely connected with his own. By the suggestions of Skelton, the king's minister at Paris, orders were sent to D'Avaux to remonstrate with the states, in Lewis's name, against those preparations which they were making to invade England. The strict amity, said the French minister, which subsists between the two monarchs, will make Lewis regard every attempt against his ally as an act of hostility against himself. This remonstrance had a bad effect, and put the states in a flame. What is this alliance, they asked, between France and England, which has been so carefully concealed from us? Is it of the same nature with the former; meant for our destruction, and for the extirpation of the Protestant religion? If so, it is high time for us to provide for our own defence, and to anticipate those projects which are forming against us.

Even James was displeased with this officious step taken by Lewis for his service. He was not reduced, he said, to the condition of the Cardinal of Furstemberg, and obliged to seek the protection of France. He recalled Skelton, and threw him into the Tower for his rash conduct. He solemnly disavowed D'Avaux's memorial; and protested that no alliance subsisted between him and Lewis, but what was public and known to all the world. The states however still affected to appear incredulous on that head [g]; and the English, prepossessed against their sovereign, firmly believed that he had concerted a project with Lewis for their entire subjection. Portsmouth, it was said, was to be put into the hands of that ambitious monarch: England was to be filled with French and Irish troops: and every man who refused to embrace the Romish superstition was by these bigoted princes devoted to certain destruction.

These suggestions were every where spread abroad, and tended to augment the discontents of which both the fleet and army, as well as the people, betrayed every day the most evident symptoms. The fleet had begun to mutiny; because Strickland, the admiral, a Roman Catholic, introduced the mass aboard his ship, and dismissed the Protestant chaplain. It was with some difficulty the seamen could be appeased; and they still persisted in declaring,

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[g] That there really was no new alliance formed betwixt France and England appears both from Sunderland's Apology, and from D'Avaux's Negotiations, lately published: see vol. iv. p. 18. Eng. translation, 27th of September, 1687, 16th of March, 6th of May, 10th of August, 2d, 23d, and 24th of September, 5th and 7th of October, 11th of November, 1688.

1688. that they would not fight against the Dutch, whom they called friends and brethren, but would willingly give battle to the French, whom they regarded as national enemies. The king had intended to augment his army with Irish recruits, and he resolved to try the experiment on the regiment of the Duke of Berwick, his natural son: but Beaumont, the lieutenant-colonel, refused to admit them; and to this opposition five captains steadily adhered. They were all cashiered; and had not the discontents of the army on this occasion become very apparent, it was resolved to have punished those officers for mutiny.

The king made a trial of the dispositions of his army in a manner still more undisguised. Finding opposition from all the civil and ecclesiastical orders of the kingdom, he resolved to appeal to the military, who, if unanimous, were able alone to serve all his purposes, and to enforce universal obedience. His intention was to engage all the regiments, one after another, to give their consent to the repeal of the test and penal statutes; and accordingly, the major of Litchfield's drew out the battalion before the king, and told them, that they were required either to enter into his majesty's views in these particulars, or to lay down their arms. James was surprised to find that, two captains and a few popish soldiers excepted, the whole battalion immediately embraced the latter part of the alternative. For some time he remained speechless; but having recovered from his astonishment, he commanded them to take up their arms; adding with a sullen, discontented air, "that for the future he would not do them the honour to apply for their approbation."

While the king was dismayed with these symptoms of 23d Sept. general disaffection, he received a letter from the Marquis of Albeville, his minister at the Hague, which informed him with certainty, that he was soon to look for a powerful invasion from Holland, and that Pensionary Fagel had at length acknowledged that the scope of all the Dutch naval preparations was to transport forces into England. Though James could reasonably expect no other intelligence, he was astonished at the news: he grew pale, and the letter dropped from his hand: his eyes were now opened, and he found himself on the brink of a frightful precipice, which his delusions had hitherto concealed from him. His ministers and counsellors, equally astonished, saw no resource but in a sudden and precipitate retraction of all those fatal measures by which he had created to himself so many enemies, foreign and domestic. He paid court to the Dutch, and offered to enter into any alliance with them for common security: he replaced in all the counties the deputy-lieutenants and justices, who had been deprived of their commissions for their adherence to the test and the penal laws: he restored the charters of London, and of all the corporations: he annulled the court of ecclesiastical commission: he took off the Bishop of London's suspension: he reinstated the expelled president and fellows of Magdalen college: and he was even reduced to caress those bishops whom he had so lately persecuted and insulted. All these measures were regarded as symptoms of fear, not of repentance. The bishops, instead of promising succour or suggesting comfort, recapitulated to him all the instances of his maladministration, and advised him thenceforwards to follow more salutary counsel. And as intelligence arrived of a great disaster which had befallen the Dutch fleet, it is commonly believed, that the king recalled, for some time, the concessions which he had made to Magdalen college; a bad sign of his sincerity in his other concessions. Nay, so prevalent were his unfortunate prepossessions, that, amidst all his present distresses, he could not forbear, at the baptism of the young prince, appointing the pope to be one of the godfathers.

The king retracts his measures.

The report, that a supposititious child was to be imposed on the nation, had been widely spread, and greedily received, before the birth of the Prince of Wales: but the king, who, without seeming to take notice of the matter, might easily have quashed that ridiculous rumour, had, from an ill-timed haughtiness, totally neglected it. He disdained, he said, to satisfy those who could deem him capable of so base and villanous an action. Finding that the calumny gained ground, and had made deep impression on his subjects, he was now obliged to submit to the mortifying task of ascertaining the reality of the birth. Though no particular attention had been beforehand given to ensure proof, the evidence, both of the queen's pregnancy and delivery, was rendered indisputable; and so much the more, as no argument or proof of any importance, nothing but popular rumour and surmise, could be thrown into the opposite scale.

Prince's declaration.

Meanwhile, the Prince of Orange's declaration was dispersed over the kingdom, and met with universal approbation. All the grievances of the nation were there enumerated: the dispensing and suspending power; the court of ecclesiastical commission; the filling of all offices with Catholics, and the raising of a Jesuit to be privy counsellor; the open encouragement given to popery, by building every where churches, colleges, and seminaries, for that sect; the displacing of judges, if they refused to give sentence according to orders received from court; the annulling of the charters of all the corporations, and the subjecting of elections to arbitrary will and pleasure; the treating of petitions, even the most modest, and from persons of the highest rank, as criminal and seditious; the committing of the whole authority of Ireland, civil and military, into the hands of Papists; the assuming of an absolute power over the religion and laws of Scotland, and openly exacting in that kingdom an obedience without reserve; and the violent presumptions against the legitimacy of the Prince of Wales. In order to redress all these grievances, the prince said that he intended to come over to England with an armed force, which might protect him from the king's evil counsellors; and that his sole aim was to have a legal and free Parliament assembled, who might provide for the safety and liberty of the nation, as well as examine the proofs of the Prince of Wales's legitimacy. No one, he added, could entertain such hard thoughts of him as to imagine, that he had formed any other design than to procure the full and lasting settlement of religion, liberty, and property. The force which he meant to bring with him was totally disproportioned to any views of conquest; and it were absurd to suspect, that so many persons of high rank, both in church and state, would have given him so many solemn invitations for such a pernicious purpose. Though the English ministers, terrified with this enterprise, had pretended to redress some of the grievances complained of; there still remained the foundation of all grievances;

that upon which they could in an instant be again erected, an arbitrary and despotic power in the crown. And for this usurpation, there was no possible remedy, but by a full declaration of all the rights of the subject in a free Parliament.

So well concerted were the prince's measures, that, in three days, above four hundred transports were hired; the army quickly fell down the rivers and canals from Nimeguen; the artillery, arms, stores, and horses, were embarked; and the prince set sail from Helvoet-Sluys, 21st Oct. with a fleet of near five hundred vessels, and an army of above fourteen thousand men. He first encountered a storm, which drove him back; but his loss being soon repaired, the fleet put to sea under the command of Admiral Herbert, and made sail with a fair wind towards the west of England. The same wind detained the king's fleet in their station near Harwich, and enabled the Dutch to pass the straits of Dover without opposition. Both shores were covered with multitudes of people, who, besides admiring the grandeur of the spectacle, were held in anxious suspense by the prospect of an enterprise, the most important which, during some ages, had been undertaken in Europe. The prince had a prosperous voyage, and landed his army safely in Torbay on the fifth of November, the anniversary of the gunpowder treason.

The Dutch army marched first to Exeter; and the prince's declaration was there published. That whole county was so terrified with the executions which had ensued on Monmouth's rebellion, that no one for several days joined the prince. The Bishop of Exeter in a fright fled to London, and carried to court intelligence of the invasion. As a reward of his zeal, he received the archbishopric of York, which had long been kept vacant, with an intention, as was universally believed, of bestowing it on some Catholic. The first person who joined the prince was Major Burrington; and he was quickly followed by the gentry of the counties of Devon and Somerset. Sir Edward Seymour made proposals for an association, which every one signed. By degrees the Earl of Abingdon, Mr. Russel, son of the Earl of Bedford, Mr. Wharton, Godfrey, Howe, came to Exeter.

1688. General commotion.

All England was in commotion, Lord Delamere took arms in Cheshire, the Earl of Danby seized York, the Earl of Bath, governor of Plymouth, declared for the prince, the Earl of Devonshire made a like declaration in Derby. The nobility and gentry of Nottinghamshire embraced the same cause; and every day there appeared some effect of that universal combination into which the nation had entered against the measures of the king. Even those who took not the field against him were able to embarrass and confound his counsels. A petition for a free Parliament was signed by twenty-four bishops and peers of the greatest distinction, and was presented to the king. No one thought of opposing or resisting the invader.

But the most dangerous symptom was the disaffection which, from the general spirit of the nation, not from any particular reason, had crept into the army. The officers seemed all disposed to prefer the interests of their country and of their religion to those principles of honour and fidelity which are commonly esteemed the most sacred ties by men of that profession. Lord Colchester, son of the Earl of Rivers, was the first officer that deserted to the prince; and he was attended by a few of his troops. Lord Lovelace made a like effort; but was intercepted by the militia under the Duke of Beaufort, and taken prisoner. Lord Cornbury, son of the Earl of Clarendon, was more successful. He attempted to carry over three regiments of cavalry; and he actually brought a considerable part of them to the prince's quarters. Several officers of distinction informed Feversham, the general, that they could not in conscience fight against the Prince of Orange.

Desertion of the army,

Lord Churchill had been raised from the rank of a page, had been invested with a high command in the army, had been created a peer, and had owed his whole fortune to the king's favour: yet even he could resolve, during the present extremity, to desert his unhappy master, who had ever reposed entire confidence in him. He carried with him the Duke of Grafton, natural son of the late king, Colonel Berkeley, and some troops of dragoons. This conduct was a signal sacrifice to public virtue of every duty in private life; and required, ever after, the most upright, disinterested, and public-spirited behaviour to render it justifiable.

The king had arrived at Salisbury, the head-quarters of his army, when he received this fatal intelligence. That prince, though a severe enemy, had ever appeared a warm, steady, and sincere friend, and he was extremely shocked with this, as with many other instances of ingratitude, to which he was now exposed. There remained none in whom he could confide. As the whole army had discovered symptoms of discontent, he concluded it full of treachery; and being deserted by those whom he had most favoured and obliged, he no longer expected that others would hazard their lives in his service. During this distraction and perplexity, he embraced a sudden resolution of drawing off his army, and retiring towards London; a measure which could only serve to betray his fears, and provoke farther treachery. 25th Nov.

But Churchill had prepared a still more mortal blow for his distressed benefactor. His lady and he had an entire ascendant over the family of Prince George of Denmark; and the time now appeared seasonable for overwhelming the unhappy king, who was already staggering with the violent shocks which he had received. Andover was the first stage of James's retreat towards London; and there Prince George, together with the young Duke of Ormond[h], Sir George Huet, and some other persons of distinction, deserted him in the night-time, and retired to the prince's camp. No sooner had this news reached London, than the Princess Anne, pretending fear of the king's displeasure, withdrew herself, in company with the Bishop of London and Lady Churchill. She fled to Nottingham; where the Earl of Dorset received her with great respect, and the gentry of the county quickly formed a troop for her protection.

and of Prince George,

and of the Princess Anne.

The late king, in order to gratify the nation, had entrusted the education of his nieces entirely to Protestants; and as these princesses were deemed the chief resource of the established religion after their father's defection, great care had been taken to instil into them, from their earliest infancy, the strongest prejudices against popery. During the violence too of such popular currents as now prevailed in England, all private considerations are commonly lost in the general passion; and the more principle any person possesses, the more apt is he, on such occasions, to neglect and abandon his domestic duties. Though these causes may account for the behaviour of the princess, they had nowise prepared the king to expect so astonishing an event. He burst into tears when the first intelligence of it was conveyed to him. Undoubtedly he foresaw in this incident the total expiration of his royal authority: but the nearer and more intimate concern of a parent laid hold of his heart, when he found himself abandoned in his uttermost distress by a child, and a virtuous child, whom he had ever regarded with the most tender affection. "God help me," cried he, in the extremity of his agony, "my own children have forsaken me!" It is indeed singular, that a prince whose chief blame consisted in imprudencies, and misguided principles, should be exposed, from religious antipathy, to such treatment as even Nero, Domitian, or the most enormous tyrants that have disgraced the records of history, never met with from their friends and family.

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[h] His grandfather, the first Duke of Ormond, had died this year, on the 21st of July.

King's consternation,

So violent were the prejudices which at this time prevailed, that this unhappy father, who had been deserted by his favourite child, was believed, upon her disappearing, to have put her to death: and it was fortunate that the truth was timely discovered, otherwise the populace, even the king's guards themselves, might have been engaged, in revenge, to commence a massacre of the priests and Catholics.

The king's fortune now exposed him to the contempt of his enemies; and his behaviour was not such as could gain him the esteem of his friends and adherents. Unable to resist the torrent, he preserved not presence of mind in yielding to it; but seemed in this emergence as much depressed with adversity, as he had before been vainly elated by prosperity. He called a council of all the peers and prelates who were in London; and followed their advice in issuing writs for a new Parliament, and in sending Halifax, Nottingham, and Godolphin, as commissioners to treat with the Prince of Orange. But

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these were the last acts of royal authority which he exerted. He even hearkened to imprudent counsel, by which he was prompted to desert the throne, and to gratify his enemies beyond what their fondest hopes could have promised them.

The queen, observing the fury of the people, and knowing how much she was the object of general hatred, was struck with the deepest terror, and began to apprehend a parliamentary impeachment, from which, she was told, the queens of England were not exempted. The popish courtiers, and, above all, the priests, were aware that they should be the first sacrifice, and that their perpetual banishment was the smallest penalty which they must expect from national resentment. They were, therefore, desirous of carrying the king along with them; whose presence, they knew, would still be some resource and protection to them in foreign countries, and whose restoration, if it ever happened, would again reinstate them in power and authority. The general defection of the Protestants made the king regard the Catholics as his only subjects, on whose counsel he could rely; and the fatal catastrophe of his father afforded them a plausible reason for making him apprehend a like fate. The great difference of circumstances was not, during men's present distractions, sufficiently weighed. Even after the people were inflamed by a long civil war, the execution of Charles I. could not be deemed a national deed: it was perpetrated by a fanatical army, pushed on by a daring and enthusiastical leader; and the whole kingdom had ever entertained, and did still entertain, a violent abhorrence against that enormity. The situation of public affairs, therefore, no more resembled what it was forty years before, than the Prince of Orange, either in birth, character, fortune, or connexions, could be supposed a parallel to Cromwell.

The emissaries of France, and among the rest, Barillon, the French ambassador, were busy about the king; and they had entertained a very false notion, which they instilled into him, that nothing would more certainly retard the public settlement, and beget universal confusion, than his deserting the kingdom. The Prince of Orange had with good reason embraced a contrary opinion; and he

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deemed it extremely difficult to find expedients for securing the nation, so long as the king kept possession of the crown. Actuated, therefore, by this public motive, and no less, we may well presume, by private ambition, he was determined to use every expedient which might intimidate the king, and make him quit that throne which he himself was alone enabled to fill. He declined a personal conference with James's commissioners, and sent the Earls of Clarendon and Oxford to treat with them: the terms which he proposed, implied almost a present participation of the sovereignty: and he stopped not a moment the march of his army towards London.

The news which the king received from all quarters served to continue the panic into which he was fallen, and which his enemies expected to improve to their advantage. Colonel Copel, deputy governor of Hull, made himself master of that important fortress; and threw into prison Lord Langdale, the governor, a Catholic, together with Lord Montgomery, a nobleman of the same religion. The town of Newcastle received Lord Lumley, and declared for the Prince of Orange and a free Parliament. The Duke of Norfolk, lord lieutenant of the county of that name, engaged it in the same measure. The prince's declaration was read at Oxford by the Duke of Ormond, and was received with great applause by that loyal university, who also made an offer of their plate to the prince. Every day some person of quality or distinction, and among the rest the Duke of Somerset, went over to the enemy. A violent declaration was dispersed in the prince's name, but without his participation; in which every one was commanded to seize and punish all Papists, who, contrary to law, pretended either to carry arms, or exercise any act of authority. It may not be unworthy of notice, that a merry ballad, called Lillibullero, being at this time published in derision of the Papists and the Irish, it was greedily received by the people, and was sung by all ranks of men, even by the king's army, who were strongly seized with the national spirit. This incident both discovered, and served to increase, the general discontent of the kingdom.

The contagion of mutiny and disobedience had also reached Scotland, whence the regular forces, contrary to the advice of Balcarras, the treasurer, were withdrawn, in order to reinforce the English army. The Marquis of Athole, together with Viscount Tarbat, and others, finding the opportunity favourable, began to form intrigues against Perth, the chancellor; and the presbyterians and other malecontents flocked from all quarters to Edinburgh. The chancellor, apprehensive of the consequences, found it expedient to abscond; and the populace, as if that event were a signal for their insurrection, immediately rose in arms, and rifled the popish chapel in the king's palace. All the Catholics, even all the zealous royalists, were obliged to conceal themselves; and the privy council, instead of their former submissive strains of address to the king, and violent edicts against their fellow subjects, now made applications to the Prince of Orange, as the restorer of law and liberty.

The king, every moment alarmed, more and more, by these proofs of a general disaffection, not daring to repose trust in any but those who were exposed to more danger than himself, agitated by disdain towards ingratitude, by indignation against disloyalty, impelled by his own fears and those of others, precipitately embraced the resolution of escaping into France; and he sent off beforehand the queen and the infant prince, under the conduct of Count Lauzun, an old favourite of the French monarch. He himself disappeared in the night-time, attended only by Sir Edward Hales; and made the best of his way to a ship which waited for him near the mouth of the river. As if this measure had not been the most grateful to his enemies of any that he could adopt, he had carefully concealed his intention from all the world; and nothing could equal the surprise which seized the city, the court, and the kingdom, upon the discovery of this strange event. Men beheld, all of a sudden, the reins of government thrown up by the hand which held them; and saw none who had any right, or even pretension, to take possession of them.

and flight. 12th Dec.

The more effectually to involve every thing in confusion, the king appointed not any one, who should, in his absence, exercise any part of the administration; he threw the great seal into the river; and he recalled all those writs which had been issued for the election of the new Parliament. It is often supposed, that the sole motive which impelled him to this sudden desertion was his reluctance to meet a free Parliament, and his resolution not to submit to those terms which his subjects would deem requisite for the security of their liberties and their religion. But it must be considered, that his subjects had first deserted him, and entirely lost his confidence; that he might reasonably be supposed to entertain fears for his liberty, if not for his life; and that the conditions would not probably be moderate, which the nation, sensible of his inflexible temper, enraged with the violation of their laws, and the danger of their religion, and foreseeing his resentment, on account of their past resistance, would, in his present circumstances, exact from him.

By this temporary dissolution of government, the populace were masters; and there was no disorder which, during their present ferment, might not be dreaded from them. They rose in a tumult and destroyed all the mass-houses. They even attacked and rifled the houses of the Florentine envoy and Spanish ambassador, where many of the Catholics had lodged their most valuable effects. Jefferies, the chancellor, who had disguised himself, in order to fly the kingdom, was discovered by them, and so abused, that he died a little after. Even the army, which should have suppressed these tumults, would, it was apprehended, serve rather to increase the general disorder. Feversham had no sooner heard of the king's flight, than he disbanded the troops in the neighbourhood, and, without either disarming or paying them, let them loose to prey upon the country.

In this extremity, the bishops and peers who were in town, being the only remaining authority of the state, (for the privy council, composed of the king's creatures, was totally disregarded,) thought proper to assemble, and to interpose for the preservation of the community. They chose the Marquis of Halifax speaker: they gave directions to the mayor and aldermen for keeping the peace of the city: they issued orders, which were readily obeyed, to the fleet, the army, and all the garrisons: and they made applications to the Prince of Orange, whose enterprise they highly applauded, and whose success they joyfully congratulated.

The prince, on his part, was not wanting to the tide of success which flowed in upon him, nor backward in assuming that authority which the present exigency had put into his hands. Besides the general popularity attending his cause, a new incident made his approach to London still more grateful. In the present trepidation of the people, a rumour arose, either from chance or design, that the disbanded Irish had taken arms, and had commenced an universal massacre of the Protestants. This ridiculous belief was spread all over the kingdom in one day; and begat every where the deepest consternation. The alarm bells were rung; the beacons fired; men fancied that they saw at a distance the smoke of the burning cities, and heard the groans of those who were slaughtered in their neighbourhood. It is surprising that the Catholics did not all perish in the rage which naturally succeeds to such popular panics.

King seized at Feversham.

While every one from principle, interest, or animosity, turned his back on the unhappy king, who had abandoned his own cause, the unwelcome news arrived, that he had been seized by the populace at Feversham, as he was making his escape in disguise; that he had been much abused, till he was known; but that the gentry had then interposed and protected him, though they still refused to consent to his escape. This intelligence threw all parties into confusion. The prince sent Zuylestein with orders, that the king should approach no nearer than Rochester; but the message came too late. He was already arrived in London, where the populace, moved by compassion for his unhappy fate, and actuated by their own levity, had received him with shouts and acclamations.

During the king's abode at Whitehall, little attention was paid to him by the nobility or any persons of distinction. They had, all of them, been previously disgusted on account of his blind partiality to the Catholics, and they knew that they were now become criminal in his eyes, by their late public applications to the Prince of Orange. He himself showed not any symptom of spirit, CHAP. LXXI. 1688. nor discovered any intention of resuming the reins of government which he had once thrown aside. His authority was now plainly expired; and as he had exercised his power, while possessed of it, with very precipitate and haughty counsels, he relinquished it by a despair equally precipitate and pusillanimous.

Nothing remained for the now ruling powers, but to deliberate how they should dispose of his person. Besides that the prince may justly be supposed to have possessed more generosity than to think of offering violence to an unhappy monarch, so nearly related to him; he knew that nothing would so effectually promote his own views as the king's retiring into France, a country at all times obnoxious to the English. It was determined, therefore, to push him into that measure, which, of himself, he seemed sufficiently inclined to embrace. The king having sent Lord Feversham on a civil message to the prince, desiring a conference for an accommodation in order to the public settlement, that nobleman was put in arrest, under pretence of his coming without a passport: the Dutch guards were ordered to take possession of Whitehall, where James then resided, and to displace the English: and Halifax, Shrewsbury, and Delamere brought a message from the prince, which they delivered to the king in bed after midnight, ordering him to leave his palace next morning, and to depart for Ham, a seat of the Duchess of Lauderdale's. He desired permission, which was easily granted, of retiring to Rochester, a town near the sea-coast. It was perceived that the artifice had taken effect; and that the king, terrified with this harsh treatment, had renewed his former resolution of leaving the kingdom.

He lingered, however, some days at Rochester, under the protection of a Dutch guard, and seemed desirous of an invitation still to keep possession of the throne. He was undoubtedly sensible, that, as he had at first trusted too much to his people's loyalty, and, in confidence of their submission, had offered the greatest violence to their principles and prejudices; so had he, at last, on finding his disappointment, gone too far in the other extreme, and had hastily supposed them destitute of all sense of duty or allegiance. But observing that the church, the nobility, the city, the country, all concurred in neglecting him, and leaving him to his own counsels, he submitted to his melancholy fate; and being urged by earnest letters from the queen, he privately embarked on board a frigate which waited for him; and he arrived safely at Ambleteuse, in Picardy, whence he hastened to St. Germain's. Lewis received him with the highest generosity, sympathy, and regard; a conduct which, more than his most signal victories, contributed to the honour of that great monarch.

Second escape. 23d Dec.

King's character.

Thus ended the reign of a prince, whom, if we consider his personal character rather than his public conduct, we may safely pronounce more unfortunate than criminal. He had many of those qualities which form a good citizen; even some of those which, had they not been swallowed up in bigotry and arbitrary principles, serve to compose a good sovereign. In domestic life, his conduct was irreproachable, and is entitled to our approbation. Severe, but open in his enmities, steady in his counsels, diligent in his schemes, brave in his enterprises, faithful, sincere, and honourable in his dealings with all men: such was the character with which the Duke of York mounted the throne of England. In that high station, his frugality of public money was remarkable, his industry exemplary, his application to naval affairs successful, his encouragement of trade judicious, his jealousy of national honour laudable. What then was wanting to make him an excellent sovereign? A due regard and affection to the religion and constitution of his country. Had he been possessed of this essential quality, even his middling talents, aided by so many virtues, would have rendered his reign honourable and happy. When it was wanting, every excellence which he possessed became dangerous and pernicious to his kingdoms.

The sincerity of this prince (a virtue on which he highly valued himself) has been much questioned in those reiterated promises which he had made of preserving the liberties and religion of the nation. It must be confessed, that his reign was almost one continued invasion of both; yet it is known, that, to his last breath, he persisted in asserting, that he never meant to subvert the

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laws, or procure more than a toleration and an equality of privileges to his Catholic subjects. This question can only affect the personal character of the king, not our judgment of his public conduct. Though by a stretch of candour we should admit of his sincerity in these professions, the people were equally justifiable in their resistance of him. So lofty was the idea which he had entertained of his *legal* authority, that it left his subjects little or no right to liberty, but what was dependent on his sovereign will and pleasure. And such was his zeal for proselytism, that, whatever he might at first have intended, he plainly stopped not at toleration and equality; he confined all power, encouragement, and favour, to the Catholics. Converts from interest would soon have multiplied upon him. If not the greater, at least the better part of the people, he would have flattered himself, was brought over to his religion: and he would in a little time have thought it just, as well as pious, to bestow on them all the public establishments. Rigours and persecutions against heretics would speedily have followed; and thus liberty and the Protestant religion would, in the issue, have been totally subverted; though we should not suppose that James, in the commencement of his reign, had formally fixed a plan for that purpose. And, on the whole, allowing this king to have possessed good qualities and good intentions, his conduct serves only, on that very account, as a stronger proof, how dangerous it is to allow any prince infected with the Catholic superstition to wear the crown of these kingdoms.

After this manner, the courage and abilities of the Prince of Orange, seconded by surprising fortune, had effected the deliverance of this island; and with very little effusion of blood (for only one officer of the Dutch army and a few private soldiers fell in an accidental skirmish) had dethroned a great prince, supported by a formidable fleet and a numerous army. Still the more difficult task remained, and what perhaps the prince regarded as not the least important; the obtaining for himself that crown which had fallen from the head of his father-in-law. Some lawyers, entangled in the subtleties and forms of their profession, could think of no expedient, but that the prince should claim the crown by right of conquest; should immediately assume the title of sovereign; and should call a Parliament, which, being thus legally summoned by a king in possession, could ratify whatever had been transacted before they assembled. But this measure, being destructive of the principles of liberty, the only principles on which his future throne could be established, was prudently rejected by the prince, who finding himself possessed of the good-will of the nation, resolved to leave them entirely to their own guidance and direction. The peers and bishops, to the number of near ninety, made an address desiring him to summon a convention by circular letters; to assume, in the mean time, the management of public affairs; and to concert measures for the security of Ireland. At the same time, they refused reading a letter, which the king had left, in order to apologize for his late desertion, by the violence which had been put upon him. This step was a sufficient indication of their intentions with regard to that unhappy monarch.

Convention summoned.

The prince seemed still unwilling to act upon an authority which might be deemed so imperfect: he was desirous of obtaining a more express declaration of the public consent. A judicious expedient was fallen on for that purpose. All the members who had sitten in the House of Commons during any Parliament of Charles II. (the only Parliaments whose election was regarded as free) were invited to meet; and to them were added the mayor, aldermen, and fifty of the common council. This was regarded as the most proper representative of the people that could be summoned during the present emergence. They unanimously voted the same address with the Lords: and the prince, being thus supported by all the legal authority which could possibly be obtained in this critical juncture, wrote circular letters to the counties and corporations of England; and his orders were universally complied with. A profound tranquillity prevailed throughout the kingdom; and the prince's administration was submitted to, as if he had succeeded in the most regular manner to the vacant throne. The fleet received his orders: the army, without murmur or opposition, allowed him to new-model them: and the city supplied him with a loan of two hundred thousand pounds.

1689. 7th Jan. Settlement of Scotland.

The conduct of the prince with regard to Scotland, was founded on the same prudent and moderate maxims. Finding that there were many Scotchmen of rank at that time in London, he summoned them together, laid before them his intentions, and asked their advice in the present emergency. This assembly, consisting of thirty noblemen, and about fourscore gentlemen, chose Duke Hamilton president; a man who, being of a temporizing character, was determined to pay court to the present authority. His eldest son, the Earl of Arran, professed an adherence to King James; a usual policy in Scotland, where the father and son, during civil commotions, were often observed to take opposite sides, in order to secure, in all events, the family from attainder. Arran proposed to invite back the king upon conditions; but as he was vehemently opposed in this motion by Sir Patrick Hume, and seconded by nobody, the assembly made an offer to the prince of the present administration, which he willingly accepted. To anticipate a little in our narration; a convention, by circular letters from the prince, was summoned at Edinburgh on the twenty-second of March; where it was soon visible, that the interest of the malecontents would entirely prevail. The more zealous royalists, regarding this assembly as illegal, had forborne to appear at elections; and the other party were returned for most places. The revolution was not in Scotland, as in England, effected by a coalition of whig and tory; the former party alone had overpowered the government, and were too much enraged by the past injuries which they had suffered, to admit of any composition with their former masters. As soon as the purpose of the convention was discovered, the Earl of Balcarras, and Viscount Dundee, leaders of the tories, withdrew from Edinburgh; and the convention having passed a bold and decisive vote, that King James, by his maladministration and his abuse of power, had *forfeited* all title to the crown, they made a tender of the royal dignity to the Prince and Princess of Orange.

23d Jan. English convention meets.

The English convention was assembled; and it immediately appeared that the House of Commons, both from the prevailing humour of the people, and from the influence of present authority, were mostly chosen from among the whig party. After thanks were unanimously given by both Houses to the Prince of Orange, for the deliverance which he had brought them, a less decisive vote than that of the Scottish convention was in a few days passed by a great majority of the Commons, and sent up to the Peers for their concurrence. It was contained in these words: "That King James II., having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people; and having, by the advice of Jesuits and other wicked persons, violated the fundamental laws, and withdrawn himself out of the kingdom, has abdicated the government, and that the throne is thereby vacant." This vote, when carried to the Upper House, met with great opposition; of which it is here necessary for us to explain the causes.

The tories and the high-church party, finding themselves at once menaced with a subversion of the laws and of their religion, had zealously promoted the national revolt, and had on this occasion departed from those principles of non-resistance, of which, while the king favoured them, they had formerly made such loud professions. Their present apprehensions had prevailed over their political tenets; and the unfortunate James, who had too much trusted to those general declarations, which never will be reduced to practice, found in the issue that both parties were secretly united against him. But no sooner was the danger past, and the general fears somewhat allayed, than party prejudices resumed, in some degree, their former authority; and the tories were abashed at that victory which their antagonists, during the late transactions, had obtained over them. They were inclined, therefore, to steer a middle course; and, though generally determined to oppose the king's return, they resolved not to consent to dethroning him, or altering the line of succession. A regent with kingly power was the expedient which they proposed: and a late instance in Portugal seemed to give some authority and precedent to that plan of government.

Views of the parties.

In favour of this scheme, the tories urged, that by the uniform tenor of the English laws, the title to the crown was ever regarded as sacred, and could, on no account,

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and by no maladministration, be forfeited by the sovereign: that to dethrone a king and to elect his successor, was a practice quite unknown to the constitution, and had a tendency to render kingly power entirely dependent and precarious: that where the sovereign, from his tender years, from lunacy, or from other natural infirmity, was incapacitated to hold the reins of government, both the laws and former practice agreed in appointing a regent, who, during the interval, was invested with the whole power of the administration: that the inveterate and dangerous prejudices of King James had rendered him as unfit to sway the English sceptre as if he had fallen into lunacy; and it was therefore natural for the people to have recourse to the same remedy: that the election of one king was a precedent for the election of another; and the government, by that means, would either degenerate into a republic, or, what was worse, into a turbulent and seditious monarchy: that the case was still more dangerous, if there remained a prince who claimed the crown by right of succession, and disputed, on so plausible a ground, the title of the present sovereign: that though the doctrine of non-resistance might not, in every possible circumstance, be absolutely true, yet was the belief of it very expedient; and to establish a government which should have the contrary principle for its basis, was to lay a foundation for perpetual revolutions and convulsions: that the appointment of a regent was indeed exposed to many inconveniences; but so long as the line of succession was preserved entire, there was still a prospect of putting an end, some time or other, to the public disorders: and that scarcely an instance occurred in history, especially in the English history, where a disputed title had not, in the issue, been attended with much greater ills, than all those which the people had sought to shun by departing from the lineal successor.

The leaders of the whig party, on the other hand, asserted, that if there were any ill in the precedent, that ill would result as much from establishing a regent, as from dethroning one king, and appointing his successor; nor would the one expedient, if wantonly and rashly embraced by the people, be less the source of public convulsions than the other: that if the laws gave no express permission to depose the sovereign, neither did they authorize resisting his authority, or separating the power from the title: that a regent was unknown, except where the king, by reason of his tender age or his infirmities, was incapable of a will; and in that case, his will was supposed to be involved in that of the regent: that it would be the height of absurdity to try a man for acting upon a commission, received from a prince whom we ourselves acknowledge to be the lawful sovereign; and no jury would decide so contrary both to law and common sense as to condemn such a pretended criminal: that even the prospect of being delivered from this monstrous inconvenience was, in the present situation of affairs, more distant than that of putting an end to a disputed succession: that allowing the young prince to be the legitimate heir, he had been carried abroad; he would be educated in principles destructive of the constitution and established religion; and he would probably leave a son liable to the same insuperable objection: that if the whole line were cut off by law, the people would in time forget or neglect their claim; an advantage which could not be hoped for, while the administration was conducted in their name, and while they were still acknowledged to possess the legal title: and that a nation thus perpetually governed by regents or protectors, approached much nearer to a republic than one subject to monarchs, whose hereditary regular succession, as well as present authority, was fixed and appointed by the people.

This question was agitated with great zeal, by the opposite parties in the House of Peers. The chief speakers among the tories were Clarendon, Rochester, and Nottingham; among the whigs, Halifax and Danby. The question was carried for a king by two voices only, fifty-one against forty-nine. All the prelates, except two, the Bishops of London and Bristol, voted for a regent. The primate, a disinterested but pusillanimous man, kept at a distance both from the prince's court and from Parliament.

The House of Peers proceeded next to examine piecemeal the vote sent up to them by the Commons. They debated, "Whether there were an original contract between king and people?" and the affirmative was carried by fifty-three against forty-six; a proof that the tories were already losing ground. The next question was, "Whether King James had broken that original contract?" and, after a slight opposition, the affirmative prevailed. The Lords proceeded to take into consideration the word *abdicated;* and it was carried that *deserted* was more proper. The concluding question was, "Whether King James, having broken the original contract and *deserted* the government, the throne was thereby vacant?" This question was debated with more heat and contention than any of the former; and upon a division the tories prevailed by eleven voices, and it was carried, to omit the last article with regard to the vacancy of the throne. The vote was sent back to the Commons with these amendments.

The Earl of Danby had entertained the project of bestowing the crown solely upon the Princess of Orange, and of admitting her as hereditary legal successor to King James; passing by the infant prince, as illegitimate or supposititious. His change of party in the last question gave the tories so considerable a majority in the number of voices.

Free conferences betwixt the Houses.

The Commons still insisted on their own vote, and sent up reasons why the Lords should depart from their amendments. The Lords were not convinced; and it was necessary to have a free conference in order to settle this controversy. Never surely was national debate more important, or managed by more able speakers; yet is one surprised to find the topics insisted on by both sides so frivolous; more resembling the verbal disputes of the schools, than the solid reasonings of statesmen and legislators. In public transactions of such consequence, the true motives which produce any measure are seldom avowed. The whigs, now the ruling party, having united with the tories, in order to bring about the revolution, had so much deference for their new allies, as not to insist that the crown should be declared *forfeited* on account of the king's maladministration; such a declaration, they thought, would imply too express a censure of the old tory principles, and too open a preference of their own. They agreed, therefore, to confound together the king's abusing his power, and his withdrawing from the kingdom; and they called the whole an *abdication;* as if he had given a virtual, though not a verbal consent, to dethroning himself. The tories took advantage of this obvious impropriety, which had been occasioned merely by the complaisance or prudence of the whigs; and they insisted upon the word *desertion* as more significant and intelligible. It was retorted on them, that however that expression might be justly applied to the king's withdrawing himself, it could not, with any propriety, be extended to his violation of the fundamental laws. And thus both parties, while they warped their principles from regard to their antagonists, and from prudential considerations, lost the praise of consistence and uniformity.

The managers for the Lords next insisted, that even allowing the king's abuse of power to be equivalent to an abdication, or, in other words, to a civil death, it could operate no otherwise than his voluntary resignation, or his natural death, and could only make way for the next successor. It was a maxim of English law *that the throne was never vacant*, but instantly, upon the demise of one king, was filled with his legal heir, who was entitled to all the authority of his predecessor. And however young or unfit for government the successor, however unfortunate in his situation, though he were even a captive in the hands of public enemies; yet no just reason, they thought, could be assigned why, without any default of his own, he should lose a crown, to which, by birth, he was fully entitled. The managers for the Commons might have opposed this reasoning by many specious and even solid arguments. They might have said, that the great security for allegiance being merely opinion, any scheme of settlement should be adopted in which it was most probable the people would acquiesce and persevere: that though, upon the natural death of a king whose administration had been agreeable to the laws, many and great inconveniences would be endured, rather than exclude his lineal successor; yet the case was not the same when the people had been obliged, by their revolt, to dethrone a prince whose illegal measures had, in every circumstance, violated the constitution: that, in these extraordinary revolutions, the government reverted, in some

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degree, to its first principles, and the community acquired a right of providing for the public interest by expedients which, on other occasions, might be deemed violent and irregular: that the recent use of one extraordinary remedy reconciled the people to the practice of another, and more familiarized their minds to such licences, than if the government had run on in its usual tenor: and that King James having carried abroad his son, as well as withdrawn himself, had given such just provocation to the kingdom, had voluntarily involved it in such difficulties, that the interests of his family were justly sacrificed to the public settlement and tranquillity. Though these topics seem reasonable, they were entirely forborne by the whig managers; both because they implied an acknowledgment of the infant prince's legitimacy, which it was agreed to keep in obscurity, and because they contained too express a condemnation of tory principles. They were content to maintain the vote of the Commons by shifts and evasions; and both sides parted at last without coming to any agreement.

But it was impossible for the public to remain long in the present situation. The perseverance, therefore, of the Lower House obliged the Lords to comply; and, by the desertion of some peers to the whig party, the vote of the Commons, without any alteration, passed by a majority of fifteen in the Upper House, and received the sanction of every part of the legislature which then subsisted.

It happens unluckily for those who maintain an original contract between the magistrate and people, that great revolutions of government, and new settlements of civil constitutions, are commonly conducted with such violence, tumult, and disorder, that the public voice can scarcely ever be heard: and the opinions of the citizens are at that time less attended to than even in the common course of administration. The present transactions in England, it must be confessed, are a singular exception to this observation. The new elections had been carried on with great tranquillity and freedom: the prince had ordered the troops to depart from all the towns where the voters assembled. A tumultuary petition to the two Houses having been promoted, he took care, though the

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petition was calculated for his advantage, effectually to suppress it. He entered into no intrigues, either with the electors or the members: he kept himself in a total silence, as if he had been nowise concerned in these transactions: and so far from forming cabals with the leaders of parties, he disdained even to bestow caresses on those whose assistance might be useful to him. This conduct was highly meritorious, and discovered great moderation and magnanimity; even though the prince, unfortunately, through the whole course of his life, and on every occasion, was noted for an address so cold, dry, and distant, that it was very difficult for him, on account of any interest, to soften or familiarize it.

At length the prince deigned to break silence, and to express, though in a private manner, his sentiments on the present situation of affairs. He called together Halifax, Shrewsbury, Danby, and a few more; and he told them, that having been invited over to restore their liberty, he had engaged in this enterprise, and had at last happily effected his purpose. That it belonged to the Parliament, now chosen and assembled with freedom, to concert measures for the public settlement; and he pretended not to interpose in their determinations. That he heard of several schemes proposed for establishing the government: some insisted on a regent; others were desirous of bestowing the crown on the princess: it was their concern alone to choose the plan of administration most agreeable or advantageous to them. That if they judged it proper to settle a regent, he had no objection: he only thought it incumbent on him to inform them, that he was determined not to be the regent, nor ever to engage in a scheme, which, he knew, would be exposed to such insuperable difficulties. That no man could have a juster or deeper sense of the princess's merit than he was impressed with; but he would rather remain a private person than enjoy a crown which must depend on the will or life of another. And that they must therefore make account, if they were inclined to either of these two plans of settlement, that it would be totally out of his power to assist them in carrying it into execution; his affairs abroad were too important to be abandoned for so precarious a dignity, or even to allow him so much leisure as would be requisite to introduce order into their disjointed government.

These views of the prince were seconded by the princess herself, who, as she possessed many virtues, was a most obsequious wife to a husband, who, in the judgment of the generality of her sex, would have appeared so little attractive and amiable. All considerations were neglected when they came in competition with what she deemed her duty to the prince. When Danby and others of her partisans wrote her an account of their schemes and proceedings, she expressed great displeasure; and even transmitted their letters to her husband, as a sacrifice to conjugal fidelity. The Princess Anne also concurred in the same plan for the public settlement; and being promised an ample revenue, was content to be postponed in the succession to the crown. And as the title of her infant brother was, in the present establishment, entirely neglected, she might, on the whole, deem herself, in point of interest, a gainer by this revolution.

Settlement of the crown.

The chief parties, therefore, being agreed, the convention passed a bill, in which they settled the crown on the Prince and Princess of Orange, the sole administration to remain in the prince: the Princess of Denmark to succeed after the death of the Prince and Princess of Orange; her posterity after those of the princess, but before those of the prince by any other wife. The convention annexed to this settlement of the crown, a declaration of rights, where all the points which had, of late years, been disputed between the king and people were finally determined; and the powers of royal prerogative were more narrowly circumscribed and more exactly defined, than in any former period of the English government.

Manners, arts, and sciences.

Thus have we seen, through the whole course of four reigns, a continual struggle maintained between the crown and the people: privilege and prerogative were ever at variance: and both parties, beside the present object of dispute, had many latent claims, which, on a favourable occasion, they produced against their adversaries. Governments too steady and uniform, as they are seldom free, so are they, in the judgment of some, attended with another sensible inconvenience: they abate the active powers of men; depress courage, invention, and genius; and produce an universal lethargy in the people. Though this opinion may be just, the fluctuation and contest, it must be allowed, of the English government were, during these reigns, much too violent both for the repose and safety of the people. Foreign affairs, at that time, were either entirely neglected, or managed to pernicious purposes: and in the domestic administration there was felt a continued fever, either secret or manifest; sometimes the most furious convulsions and disorders. The revolution forms a new epoch in the constitution; and was probably attended with consequences more advantageous to the people than barely freeing them from an exceptionable administration. By deciding many important questions in favour of liberty, and still more by that great precedent of deposing one king, and establishing a new family, it gave such an ascendant to popular principles, as has put the nature of the English constitution beyond all controversy. And it may justly be affirmed, without any danger of exaggeration, that we, in this island, have ever since enjoyed, if not the best system of government, at least the most entire system of liberty that ever was known amongst mankind.

To decry with such violence, as is affected by some, the whole line of Stuart; to maintain, that their administration was one continued encroachment on the *incontestable* rights of the people; is not giving due honour to that great event, which not only put a period to their hereditary succession, but made a new settlement of the whole constitution. The inconveniences suffered by the people under the two first reigns of that family (for in the main they were fortunate) proceeded in a great measure from the unavoidable situation of affairs; and scarcely any thing could have prevented those events, but such vigour of genius in the sovereign, attended with such good fortune, as might have enabled him entirely to overpower the liberties of his people. While the Parliaments in those reigns were taking advantage of

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the necessities of the prince, and attempting every session to abolish, or circumscribe, or define, some prerogative of the crown, and innovate in the usual tenor of government; what could be expected, but that the prince would exert himself in defending against such inveterate enemies, an authority which, during the most regular course of the former English government, had been exercised without dispute or controversy? And though Charles II., in 1672, may with reason be deemed the aggressor, nor is it possible to justify his conduct; yet there were some motives, surely, which could engage a prince so soft and indolent, and at the same time so judicious, to attempt such hazardous enterprises. He felt that public affairs had reached a situation at which they could not possibly remain without some farther innovation. Frequent Parliaments were become almost absolutely necessary to the conducting of public business; yet these assemblies were still, in the judgment of the royalists, much inferior in dignity to the sovereign, whom they seemed better calculated to counsel than control. The crown still possessed considerable power of opposing Parliaments; and had not as yet acquired the means of influencing them. Hence a continual jealousy between these parts of the legislature: hence the inclination mutually to take advantage of each other's necessities: hence the impossibility, under which the king lay, of finding ministers, who could at once be serviceable and faithful to him. If he followed his own choice in appointing his servants, without regard to their parliamentary interest, a refractory session was instantly to be expected: if he chose them from among the leaders of popular assemblies, they either lost their influence with the people by adhering to the crown, or they betrayed the crown, in order to preserve their influence. Neither Hambden, whom Charles I. was willing to gain at any price; nor Shaftesbury, whom Charles II., after the popish plot, attempted to engage in his counsels, would renounce their popularity for the precarious, and, as they esteemed it, deceitful favour of the prince. The root of their authority they still thought to lie in the Parliament; and as the power of that assembly was not yet uncontrollable, they still resolved to augment it, though at the expense of the royal prerogatives.

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It is no wonder that these events have long, by the representations of faction, been extremely clouded and obscured. No man has yet arisen, who has paid an entire regard to truth, and has dared to expose her, without covering or disguise, to the eyes of the prejudiced public. Even that party amongst us which boasts of the highest regard to liberty has not possessed sufficient liberty of thought in this particular, nor has been able to decide impartially of their own merit, compared with that of their antagonists. More noble perhaps in their ends, and highly beneficial to mankind; they must also be allowed to have often been less justifiable in the means, and in many of their enterprises to have paid more regard to political than to moral considerations. Obliged to court the favour of the populace, they found it necessary to comply with their rage and folly; and have even, on many occasions, by propagating calumnies, and by promoting violence, served to infatuate as well as corrupt that people to whom they made a tender of liberty and justice. Charles I. was a tyrant, a Papist, and a contriver of the Irish massacre: the church of England was relapsing fast into idolatry: puritanism was the only true religion, and the covenant the favourite object of heavenly regard. Through these delusions the party proceeded, and, what may seem wonderful, still to the increase of law and liberty, till they reached the imposture of the popish plot, a fiction which exceeds the ordinary bounds of vulgar credulity. But however singular these events may appear, there is really nothing altogether new in any period of modern history: and it is remarkable, that tribunitian arts, though sometimes useful in a free constitution, have usually been such as men of probity and honour could not bring themselves either to practise or approve. The other faction, which, since the revolution, has been obliged to cultivate popularity, sometimes found it necessary to employ like artifices.

The whig party, for a course of near seventy years, has, almost without interruption, enjoyed the whole authority of government; and no honours or offices could be obtained but by their countenance and protection. But this event, which, in some particulars, has been advantageous to the state, has proved destructive to the truth of history, and has established many gross falsehoods, which it is unaccountable how any civilized nation could have embraced with regard to its domestic occurrences. Compositions the most despicable, both for style and matter, have been extolled, and propagated, and read; as if they had equalled the most celebrated remains of antiquity[i]. And forgetting that a regard to liberty, though a laudable passion, ought commonly to be subordinate to a reverence for established government, the prevailing faction has celebrated only the partisans of the former, who pursued as their object the perfection of civil society, and has extolled them at the expense of their antagonists, who maintained those maxims that are essential to its very existence. But extremes of all kinds are to be avoided: and though no one will ever please either faction by moderate opinions, it is there we are most likely to meet with truth and certainty.

We shall subjoin to this general view of the English government some account of the state of the finances, arms, trade, manners, arts, between the restoration and revolution.

The revenue of Charles II., as settled by the Long Parliament, was put upon a very bad footing. It was too small, if they intended to make him independent in the common course of his administration: it was too large, and settled during too long a period, if they resolved to keep him in entire dependence. The great debts of the republic, which were thrown upon that prince; the necessity of supplying the naval and military stores, which were entirely exhausted[k]; that of repairing and furnishing his palaces: all these causes involved the king in great difficulties immediately after his restoration, and the Parliament was not sufficiently liberal in supplying him. Perhaps too he had contracted some debts abroad; and his bounty to the distressed cavaliers, though it did not correspond either to their services or expectations, could not fail, in some degree, to exhaust his treasury. The extraordinary sums granted the king during the first years did not suffice for these extraordinary

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[i] Such as Rapin de Thoyras, Locke, Sidney, Hoadley, &c.

[k] Lord Clarendon's Speech to the Parliament, Oct. 9, 1665.

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expenses; and the excise and customs, the only constant revenue, amounted not to nine hundred thousand pounds a year, and fell much short of the ordinary burdens of government. The addition of hearth-money in 1662, and of other two branches in 1669 and 1670, brought up the revenue to one million three hundred fifty-eight thousand pounds, as we learn from Lord Danby's account: but the same authority informs us, that the yearly expense of government was at that time one million three hundred eighty-seven thousand seven hundred and seventy pounds[1]; without mentioning contingencies, which are always considerable, even under the most prudent administration. Those branches of revenue, granted in 1669 and 1670, expired in 1680, and were never renewed by Parliament: they were computed to be above two hundred thousand pounds a year. It must be allowed, because asserted by all contemporary authors of both parties, and even confessed by himself, that King Charles was somewhat profuse and negligent. But it is likewise certain, that a very rigid frugality was requisite to support the government under such difficulties. It is a familiar rule in all business, that every man should be paid in proportion to the trust reposed in him, and to the power which he enjoys; and the nation soon found reason, from Charles's dangerous connexions with France, to repent their departure from that prudential maxim. Indeed, could the Parliaments in the reign of Charles I. have been induced to relinquish so far their old habits, as to grant that prince the same revenue which was voted to his successor, or had those in the reign of Charles II. conferred on him as large a revenue as was enjoyed by his brother, all the disorders in both reigns might easily have been prevented, and probably all reasonable concessions to liberty might peaceably have been obtained from both monarchs. But these assemblies, unacquainted with public business, and often actuated by faction and fanaticism, could never be made sensible, but too late, and by fatal experience, of the incessant change of times and situations. The French ambassador

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[1] Ralph's History, vol. i. p. 288. We learn from that lord's Memoirs, p. 12, that the receipts of the exchequer, during six years, from 1673 to 1679, were about eight millions two hundred thousand pounds, or one million three hundred sixty-six thousand pounds a year. See likewise p. 169.

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informs his court, that Charles was very well satisfied with his share of power, could the Parliament have been induced to make him tolerably easy in his revenue[m].

If we estimate the ordinary revenue of Charles II. at one million two hundred thousand pounds a year during his whole reign, the computation will rather exceed than fall below the true value. The Convention Parliament, after all the sums which they had granted the king towards the payment of old debts, threw, the last day of their meeting, a debt upon him, amounting to one million seven hundred forty-three thousand two hundred sixty-three pounds[n]. All the extraordinary sums which were afterwards voted him by Parliament amounted to eleven millions four hundred forty-three thousand four hundred and seven pounds; which, divided by twenty-four, the number of years which that king reigned, make four hundred seventy-six thousand eight hundred and eight pounds a year. During that time, he had two violent wars to sustain with the Dutch; and in 1678 he made expensive preparations for a war with France. In the first Dutch war, both France and Denmark were allies to the United Provinces, and the naval armaments in England were very great; so that it is impossible he could have secreted any part, at least any considerable part, of the sums which were then voted him by Parliament.

To these sums we must add about one million two hundred thousands pounds, which had been detained from the bankers on shutting up the exchequer in 1672. The king paid six per cent. for this money during the rest of his reign[o]. It is remarkable, that notwithstanding this violent breach of faith, the king, two years after, borrowed money at eight per cent.; the same rate of interest which he had paid before that event[p]: a proof that public credit, instead of being of so delicate a nature as we are apt to imagine, is, in reality, so hardy and robust, that it is very difficult to destroy it.

The revenue of James was raised by the Parliament to about one million eight hundred and fifty thousand pounds[q]; and his income as Duke of York being added, made the whole amount to two millions a year; a sum well proportioned to the public necessities, but enjoyed by him in too independent a manner. The national debt at the revolution amounted to one million fifty-four thousand nine hundred and twenty-five pounds[r].

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[m] Dalrymple's Appendix, p. 142.

[n] Journals, 29th of December, 1660.

[o] Danby's Memoirs, p. 7.

[p] Idem. p. 65.

[q] Journ. 1st of March, 1689.

The militia fell much to decay during these two reigns, partly by the policy of the kings, who had entertained a diffidence of their subjects, partly by that ill-judged law which limited the king's power of mustering and arraying them. In the beginning, however, of Charles's reign, the militia was still deemed formidable. De Wit having proposed to the French king an invasion of England during the first Dutch war, that monarch replied, that such an attempt would be entirely fruitless, and would tend only to unite the English. In a few days, said he, after our landing, there will be fifty thousand men at least upon us[s].

Charles, in the beginning of his reign, had in pay near five thousand men, of guards and garrisons. At the end of his reign he augmented this number to near eight thousand. James, on Monmouth's rebellion, had on foot about fifteen thousand men; and when the Prince of Orange invaded him, there were no fewer than thirty thousand regular troops in England.

The English navy, during the greater part of Charles's reign, made a considerable figure, for number of ships, valour of the men, and conduct of the commanders. Even in 1678, the fleet consisted of eighty-three ships[t]; besides thirty which were at that time on the stocks. On the king's restoration he found only sixty-three vessels of all sizes[u]. During the latter part of Charles's reign, the navy fell somewhat to decay, by reason of the narrowness of the king's revenue: but James, soon after his accession, restored it to its former power and glory; and before he left the throne carried it much farther. The administration of the admiralty under Pepys is still regarded as a model for order and economy. The fleet at the revolution consisted of one hundred and seventy-three vessels of all sizes; and required forty-two thousand seamen to man it [w]. That king, when Duke of York, had been the first inventor of sea signals. The military genius during these two reigns, had not totally decayed among the young nobility. Dorset, Mulgrave, Rochester, not to mention Ossory, served on board the fleet, and were present in the most furious engagements against the Dutch.

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[r] Journ. 20th of March, 1689.

[s] D'Estrades, 20th of October, 1666.

[t] Pepys's Memoirs, p. 4.

[u] Memoirs of English Affairs, chiefly Naval.

The commerce and riches of England did never, during any period, increase so fast as from the restoration to the revolution. The two Dutch wars, by disturbing the trade of that republic, promoted the navigation of this island; and after Charles had made a separate peace with the states, his subjects enjoyed, unmolested, the trade of Europe. The only disturbance which they met with was from a few French privateers who infested the channel; and Charles interposed not in behalf of his subjects with sufficient spirit and vigour. The recovery or conquest of New York and the Jerseys was a considerable accession to the strength and security of the English colonies; and together with the settlement of Pennsylvania and Carolina, which was effected during that reign, extended the English empire in America. The persecutions of the dissenters, or, more properly speaking, the restraints imposed upon them, contributed to augment and people these colonies. Dr. Davenant affirms [x], that the shipping of England more than doubled during these twenty-eight years. Several new manufactures were established; in iron, brass, silk, hats, glass, paper, &c. One Brewer, leaving the Low Countries, when they were threatened with a French conquest, brought the art of dyeing woollen cloth into England, and by that improvement saved the nation great sums of money. The increase of coinage during these two reigns was ten millions two hundred and sixty-one thousand pounds. A board of trade was erected in 1670; and the Earl of Sandwich was made president. Charles revived and supported the charter of the East India Company; a measure whose utility is by some thought doubtful: he granted a charter to the Hudson's Bay Company; a measure probably hurtful.

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[w] Lives of the Admirals, vol. ii. p. 476.

[x] Discourse on the Public Revenues, part ii. p. 29. 33. 36.

We learn from Sir Josiah Child[y], that in 1688 there were on the 'Change more men worth ten thousand pounds than there were in 1650 worth a thousand; that five hundred pounds with a daughter was, in the latter period, deemed a larger portion than two thousand in the former; that gentlewomen, in those earlier times, thought themselves well clothed in a serge gown, which a chambermaid would, in 1688, be ashamed to be seen in; and that, besides the great increase of rich clothes, plate, jewels, and household furniture, coaches were in that time augmented a hundred-fold.

The Duke of Buckingham introduced from Venice the manufacture of glass and crystal into England. Prince Rupert was also an encourager of useful arts and manufactures: he himself was the inventor of etching.

The first law for erecting turnpikes was passed in 1662: the places of the turnpikes were Wadesmill, Caxton, and Stilton: but the general and great improvement of highways took not place till the reign of George II.

In 1663 was passed the first law for allowing the exportation of foreign coin and bullion.

In 1667 was concluded the first American treaty between England and Spain: this treaty was made more general and complete in 1670. The two states then renounced all right of trading with each other's colonies; and the title of England was acknowledged to all the territories in America, of which she was then possessed.

The French king, about the beginning of Charles's reign, laid some impositions on English commodities; and the English, partly displeased with this innovation, partly moved by their animosity against France, retaliated, by laying such restraints on the commerce with that kingdom as amounted almost to a prohibition. They formed calculations, by which they persuaded themselves that they were losers a million and a half or near two millions a year by the French trade. But no good effects were found to result from these restraints; and in King James's reign they were taken off by Parliament.

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[y] Brief Observations, &c.

Lord Clarendon tells us, that in 1665, when money, in consequence of a treaty, was to be remitted to the Bishop of Munster, it was found, that the whole trade of England could not supply above one thousand pounds a month to Frankfort and Cologne, nor above twenty thousand pounds a month to Hamburgh: these sums appear surprisingly small[z].

At the same time that the boroughs of England were deprived of their privileges, a like attempt was made on the colonies. King James recalled the charters, by which their liberties were secured; and he sent over governors invested with absolute power. The arbitrary principles of that monarch appear in every part of his administration.

The people, during these two reigns, were, in a great measure, cured of that wild fanaticism by which they had formerly been so much agitated. Whatever new vices they might acquire, it may be questioned, whether, by this change, they were, in the main, much losers in point of morals. By the example of Charles II. and the cavaliers, licentiousness and debauchery became prevalent in the nation. The pleasures of the table were much pursued. Love was treated more as an appetite than a passion. The one sex began to abate of the national character of chastity, without being able to inspire the other with sentiment or delicacy.

The abuses in the former age, arising from overstrained pretensions to piety, had much propagated the spirit of irreligion; and many of the ingenious men of this period lie under the imputation of deism. Besides wits and scholars by profession, Shaftesbury, Halifax, Buckingham, Mulgrave, Sunderland, Essex, Rochester, Sidney, Temple, are supposed to have adopted these principles.

The same factions which formerly distracted the nation were revived, and exerted themselves in the most ungenerous and unmanly enterprises against each other. King Charles, being in his whole deportment a model of easy and gentlemanlike behaviour, improved the politeness of the nation; as much as faction, which of all things is most destructive to that virtue, could possibly permit.

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[z] Life of Clarendon, p. 237.

His courtiers were long distinguishable in England by their obliging and agreeable manners.

Till the revolution, the liberty of the press was very imperfectly enjoyed in England, and during a very short period. The star-chamber, while that court subsisted, put effectual restraints upon printing. On the suppression of that tribunal in 1641, the Long Parliament, after their rupture with the king, assumed the same power with regard to the licensing of books; and this authority was continued during all the period of the republic and protectorship [a]. Two years after the restoration, an act was passed reviving the republican ordinances. This act expired in 1679, but was revived in the first of King James. The liberty of the press did not even commence with the revolution. It was not till 1694 that the restraints were taken off; to the great displeasure of the king and his ministers, who seeing nowhere in any government, during present or past ages, any example of such unlimited freedom, doubted much of its salutary effects, and probably thought that no books or writings would ever so much improve the general understanding of men, as to render it safe to entrust them with an indulgence so easily abused.

In 1677 the old law for burning heretics was repealed; a prudent measure, while the nation was in continual dread of the return of popery.

Amidst the thick cloud of bigotry and ignorance which overspread the nation during the commonwealth and protectorship, there were a few sedate philosophers, who, in the retirement of Oxford, cultivated their reason, and established conferences for the mutual communication of their discoveries in physics and geometry. Wilkins, a clergyman, who had married Cromwell's sister, and was afterwards Bishop of Chester, promoted these philosophical conversations. Immediately after the restoration, these men procured a patent, and having enlarged their number, were denominated the *Royal Society*. But this patent was all they obtained from the king. Though Charles was a lover of the sciences, particularly chemistry and mechanics, he animated them by his example alone, not by his bounty. His craving courtiers and mistresses,

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[a] Scobell, i. 44. 134. ii. 88. 230.

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by whom he was perpetually surrounded, engrossed all his expense, and left him neither money nor attention for literary merit. His contemporary, Lewis, who fell short of the king's genius and knowledge in this particular, much exceeded him in liberality. Besides pensions conferred on learned men throughout all Europe, his academies were directed by rules, and supported by salaries; a generosity which does great honour to his memory, and in the eyes of all the ingenious part of mankind will be esteemed an atonement for many of the errors of his reign. We may be surprised that this example should not be more followed by princes; since it is certain that that bounty, so extensive, so beneficial, and so much celebrated, cost not this monarch so great a sum as is often conferred on one useless overgrown favourite or courtier.

But though the French academy of sciences was directed, encouraged, and supported by the sovereign, there arose in England some men of superior genius, who were more than sufficient to cast the balance, and who drew on themselves and on their native country the regard and attention of Europe. Besides Wilkins, Wren, Wallis, eminent mathematicians; Hooke, an accurate observer by microscopes; and Sydenham, the restorer of true physic; there flourished during this period a Boyle and a Newton; men who trod with cautious and therefore the more secure steps, the only road which leads to true philosophy.

Boyle improved the pneumatic engine invented by Otto Guericke, and was thereby enabled to make several new and curious experiments on the air, as well as on other bodies: his chemistry is much admired by those who are acquainted with that art; his hydrostatics contain a greater mixture of reasoning and invention with experiment than any other of his works; but his reasoning is still remote from that boldness and temerity which had led astray so many philosophers. Boyle was a great partisan of the mechanical philosophy; a theory which, by discovering some of the secrets of nature, and allowing us to imagine the rest, is so agreeable to the natural vanity and curiosity of men. He died in 1691, aged 65.

In Newton this island may boast of having produced the greatest and rarest genius that ever rose for the ornament and instruction of the species. Cautious in admitting no principles but such as were founded on experiment; but resolute to adopt every such principle, however new or unusual: from modesty, ignorant of his superiority above the rest of mankind; and thence less careful to accommodate his reasonings to common apprehensions: more anxious to merit than acquire fame: he was, from these causes, long unknown to the world; but his reputation at last broke out with a lustre which scarcely any writer, during his own lifetime, had ever before attained. While Newton seemed to draw off the veil from some of the mysteries of nature, he showed at the same time the imperfections of the mechanical philosophy; and thereby restored her ultimate secrets to that obscurity in which they ever did and ever will remain. He died in 1727, aged 85.

This age was far from being so favourable to polite literature as to the sciences. Charles, though fond of wit, though possessed himself of a considerable share of it, though his taste in conversation seems to have been sound and just, served rather to corrupt than improve the poetry and eloquence of his time. When the theatres were opened at the restoration, and freedom was again given to pleasantry and ingenuity, men, after so long an abstinence, fed on these delicacies with less taste than avidity, and the coarsest and most irregular species of wit was received by the court as well as by the people. The productions represented at that time on the stage were such monsters of extravagance and folly, so utterly destitute of all reason, or even common sense, that they would be the disgrace of English literature, had not the nation made atonement for its former admiration of them, by the total oblivion to which they are now condemned. The Duke of Buckingham's Rehearsal, which exposed these wild productions, seems to be a piece of ridicule carried to excess; yet in reality the copy scarcely equals some of the absurdities which we meet with in the originals [b].

This severe satire, together with the good sense of the nation, corrected, after some time, the extravagancies of the fashionable wit; but the productions of literature still wanted much of that correctness and delicacy which we so much admire in the ancients, and in the French writers, their judicious imitators. It was indeed during this period chiefly that that nation left the English behind them in the productions of poetry, eloquence, history, and other branches of polite letters; and acquired a superiority which the efforts of English writers, during the subsequent age, did more successfully contest with them. The arts and sciences were imported from Italy into this island as early as into France, and made at first more sensible advances. Spenser, Shakspeare, Bacon, Jonson, were superior to their contemporaries, who flourished in that kingdom. Milton, Waller, Denham, Cowley, Harvey, were at least equal to their contemporaries. The reign of Charles II., which some preposterously represent as our Augustan age, retarded the progress of polite literature in this island; and it was then found, that the immeasurable licentiousness, indulged or rather applauded at court, was more destructive to the refined arts, than even the cant, nonsense, and enthusiasm of the preceding period.

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[b] The Duke of Buckingham died on the 16th of April, 1688.

Most of the celebrated writers of this age remain monuments of genius, perverted by indecency and bad taste; and none more than Dryden, both by reason of the greatness of his talents, and the gross abuse which he made of them. His plays, excepting a few scenes, are utterly disfigured by vice or folly, or both: his translations appear too much the offspring of haste and hunger: even his fables are ill-chosen tales, conveyed in an incorrect though spirited versification. Yet, amidst this great number of loose productions, the refuse of our language, there are found some small pieces, his Ode to St. Cecilia, the greater part of Absalom and Achitophel, and a few more, which discover so great genius, such richness of expression, such pomp and variety of numbers, that they leave us equally full of regret and indignation, on account of the inferiority, or rather great absurdity, of his other writings. He died in 1701, aged 69.

The very name of Rochester is offensive to modest ears; yet does his poetry discover such energy of style and such poignancy of satire, as give ground to imagine what so fine a genius, had he fallen in a more happy age, and had followed better models, was capable of producing. The ancient satirists often used great liberties in their expressions; but their freedom no more resembles the licentiousness of Rochester, than the nakedness of an Indian does that of a common prostitute.

Wycherley was ambitious of the reputation of wit and libertinism; and he attained it: he was probably capable of reaching the fame of true comedy and instructive ridicule. Otway had a genius finely turned to the pathetic; but he neither observes strictly the rules of the drama, nor the rules, still more essential, of propriety and decorum. By one single piece, the Duke of Buckingham did both great service to his age, and honour to himself. The Earls of Mulgrave, Dorset, and Roscommon, wrote in a good taste, but their productions are either feeble or careless. The Marquis of Halifax discovers a refined genius; and nothing but leisure and an inferior station seem wanting to have procured him eminence in literature.

Of all the considerable writers of this age, Sir William Temple is almost the only one that kept himself altogether unpolluted by that inundation of vice and licentiousness which overwhelmed the nation. The style of this author, though extremely negligent, and even infected with foreign idioms, is agreeable and interesting. That mixture of vanity which appears in his works is rather a recommendation to them. By means of it, we enter into acquaintance with the character of the author, full of honour and humanity; and fancy that we are engaged, not in the perusal of a book, but in conversation with a companion. He died in 1698, aged 70.

Though Hudibras was published, and probably composed, during the reign of Charles II., Butler may justly, as well as Milton, be thought to belong to the foregoing period. No composition abounds so much as Hudibras in strokes of just and inimitable wit; yet are there many performances which give us great or greater entertainment on the whole perusal. The allusions in Butler are often dark and far-fetched; and though scarcely any author was ever able to express his thoughts in so few words, he often employs too many thoughts on one subject, and thereby becomes prolix after an unusual manner.

CHAP. LXXI. 1689.

It is surprising how much erudition Butler has introduced with so good a grace into a work of pleasantry and humour: Hudibras is perhaps one of the most learned compositions that is to be found in any language. The advantage which the royal cause received from this poem, in exposing the fanaticism and false pretensions of the former parliamentary party, was prodigious. The king himself had so good a taste as to be highly pleased with the merit of the work, and had even got a great part of it by heart; yet was he either so careless in his temper, or so little endowed with the virtue of liberality, or, more properly speaking, of gratitude, that he allowed the author, a man of virtue and probity, to live in obscurity and die in want[c]. Dryden is an instance of a negligence of the same kind. His Absalom sensibly contributed to the victory which the tories obtained over the whigs, after the exclusion of Parliaments; yet could not this merit, aided by his great genius, procure him an establishment which might exempt him from the necessity of writing for bread. Otway, though a professed royalist, could not even procure bread by his writings; and he had the singular fate of dying literally of hunger. These incidents throw a great stain on the memory of Charles, who had discernment, loved genius, was liberal of money, but attained not the praise of true generosity.

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[c] Butler died in 1680, aged 68.

NOTES.

NOTE [A], p. 5.

The abstract of the report of the Brookhouse committee (so that committee was called) was first published by Mr. Ralph, vol. i. p. 177, from Lord Halifax's collections, to which I refer. If we peruse their apology, which we find in the subsequent page of the same author, we shall find that they acted with some malignity towards the king. They would take notice of no services performed before the 1st of September, 1664. But all the king's preparations preceded that date, and, as Chancellor Clarendon told the Parliament, amounted to eight hundred thousand pounds ; and the computation is very probable. This sum, therefore, must be added. The committee likewise charged seven hundred thousand pounds to the king on account of the winter and summer guards, saved during two years and ten months that the war lasted. But this seems iniquitous. For though that was an usual burden on the revenue, which was then saved, would not the diminution of the customs during the war be an equivalent to it ? Besides, near three hundred and forty thousand pounds are charged for prize-money, which perhaps the king thought he ought not to account for. These sums exceed the million and a half.

NOTE [B], p. 12.

Gourville has said in his Memoirs, vol ii. p. 14. 67, that Charles was never sincere in the triple alliance ; and that, having entertained a violent animosity against De Wit, he endeavoured by this artifice to detach him from the French alliance, with a view of afterwards finding an opportunity to satiate his vengeance upon him. This account, though very little honourable to the king's memory, seems probable from the events, as well as from the authority of the author.

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